

Governor's Community Outreach – Federal Programs Office (GCO-FPO)

Administrative & Subgrantee Guide

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1. INTRODUCTION AND FEDERAL GRANT PROGRAMS

This document is provided for use by all Governor's Community Outreach – Federal Programs Office (GCO-FPO) subrecipient staff of entities receiving federal grant funds from the U.S. Department of Justice (USDOJ), Office on Violence Against Women (OVW). This guide serves as reference for the financial and programmatic requirements and responsibilities of the State Administering Agency (SAA) and project(s) funded with USDOJ grant funds.

The GCO-FPO serves as the SAA for the STOP Violence Against Women Formula Grant and the Sexual Assault Services Formula Grant Programs, and other OVW and non-OVW discretionary grants awarded through GCO-FPO.

For questions regarding of the policies and procedures listed in this document, please email gcofpo@guam.gov, or call 475-9162/9178/9179.

STOP Violence Against Women Formula Grant Program

The Services*Training*Officers*Prosecutors (STOP) Violence Against Women (VAW) Formula Grant program solicitation guidelines may vary for each federal fiscal year grant cycle, including guidelines for complying with requirements of the Violence Against Women Act (VAWA) as amended.

The STOP Formula Grant Program encourages partnerships between law enforcement, prosecution, courts, and victim services organizations to enhance victim safety and hold offenders accountable in cases of domestic violence, dating violence, sexual assault, and stalking (DVDVSAS). The goal of the STOP grant program is to develop and strengthen law enforcement, prosecution, and court strategies to combat violent crimes against women and to develop and strengthen victim services, including community-based, culturally-specific services, in cases involving DVDVSAS.

SAA should refer to the laws cited below for further information regarding certifications to which they are required to attest. SAAs are required to submit a certification of compliance in order to be qualified and receive STOP funding and ensure compliance with relevant requirements under 34 U.S.C §§ 10441, 10446 through 10451 and 28 C.F.R. Part 90.

STOP funding will be used only for the statutory purposes described in 34 U.S.C. § 10441(a) and (b). The GCO-FPO shall develop its 4-year state implementation plan (SIP) in consultation and coordination with the local: 1) OVW designated State sexual assault and domestic violence coalition(s); 2) law enforcement entities; 3) prosecution offices; 4) State and local courts; 5) federally recognized Tribal governments; 6) representatives from underserved populations, including culturally specific populations; 7) victim service providers; 8) population specific organizations; and 9) other entities that the State or the Attorney General identifies as needed for the planning process.

The GCO-FPO administrator shall coordinate the SIP with the State plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the programs described in section 1404 of the Victim of Crimes Act of 1984 (34 U.S.C. 20103) and section 393A of the Public health Service Act (42 U.S.C. 280b-1b).

The amount granted will be allocated, without duplication, per the following formula:

- not less than 25 percent for law enforcement;
- not less than 25 percent for prosecutors;
- not less than 30 percent for victim services (of which at least 10 percent will be distributed to culturally specific community-based organizations):
- not less than 15 percent for discretionary;
- and not less than 5 percent to state and local courts.

Under VAWA 2013, 20 percent of funds grant to a state shall be allocated for programs or projects in two or more allocations (victim services, courts, law enforcement, and prosecution) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship. The 20 percent is counted toward the total amount granted to the state, but is not a separate allocation. This requirement does not apply to the Discretionary Category. Therefore, GCO-FPO staff have developed a formula to apply this sexual assault requirement across the board for the four applicable statutory categories. GCO-FPO administrator and/or the SAA shall refer to the OVW STOP FAQ for additional statutory allocation issues and for formula allocation of the 10 percent administrative costs budget.

Sexual Assault Services Formula Grant Program (SASP)

The SASP directs OVW grant dollars to states and territories to assist in supporting rape crisis centers (including governmental rape crisis centers not in territories and tribal governmental programs) and nonprofit, nongovernmental organizations that provide core services, direct intervention, and related assistance to victims of sexual assault regardless of age. Funds provided through the SAS Formula Program are designed to supplement other funding sources directed at addressing sexual assault at the state and territorial levels. Rape crisis centers and other nonprofit organizations, such as dual programs providing both domestic violence and sexual assault intervention services, play a vital role in assisting sexual assault victims through the healing process, as well as assisting victims in navigating the medical, criminal justice, and other social support systems. In order to provide comprehensive services to victims of sexual assault, the SAS Formula Program assists states and territories in supporting rape crisis centers and other nonprofit organizations in the provision of direct intervention and related assistance.

Beginning with FY2018 SASP program funds, the Guam Coalition Against Sexual Assault and Family Violence will serve as the pass-through entity.

This guide is not intended to replace more detailed technical assistance available from the staff of GCO-FPO. Subrecipients are encouraged to address questions or concerns regarding the subject matter in this guide or other issues to the GCO-FPO staff. This guide incorporates by reference the provisions of the Office of Justice Programs Financial Guide and the provisions of the New Uniform Grant Guidance, 2 CFR 200, also known as the "Super Circular" that streamlined the Federal government's guidance from eight OMB circulars (A-21, A-50, A-87, A-89, A-102, A-110, A-122, and A-133) into one document, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The objectives of the guidance are to ease administrative burden and strengthen oversight of federal funds to reduce risks of waste, fraud and abuse.

The consolidated guidance eliminates duplicative and conflicting provisions, includes provisions that focus on performance over compliance, and encourages efficient use of information technology. Also, policies related to direct and indirect costs were updated to provide more consistent and transparent treatment, and language was strengthened in certain items of cost. The guidance includes a section of standard definitions of terms used throughout the final guidance and throughout many approved federal information collections used to manage federal awards.

The final guidance includes numerous additions, revisions and clarifications. Recipients of federal awards should review the final guidance to ensure compliance with federal award requirements.

Selected notable items are included below:

- Requires non-federal entities to take reasonable measures to safeguard protected personally identifiable information as well as any information that the federal awarding agency or pass-through entity designates as sensitive. (Definitions of Personally Identifiable Information (PII) and Protected Personally Identifiable Information (PPII) are included in the guidance.)
- Requires federal agencies and pass-through entities to review the risk associated with a potential recipient prior to making an award.
- Requires disclosures of conflicts of interest and relevant criminal violations.
- Expressly prohibits profit from federal awards (unless expressly authorized by the terms and conditions of the award).
- Requires certifications of senior non-federal entity officials (which includes awareness of potential penalties under the False Claims Act).
- Encourages non-federal entities to have family-friendly policies, including a provision that temporary dependent care costs that result directly from travel to conferences and meet specified standards, are allowable costs.

Several provisions in the final guidance target audit requirements. These revisions are intended to strengthen oversight and focus audits where there is the greatest risk of fraud, abuse and waste in federal awards. The revisions include the following:

- Raises the Single Audit threshold from \$500,000 of federal awards per year to \$750,000 in federal awards per year. (The change in threshold will reduce the number of Single Audits by approximately 5,000 while maintaining 99.7 percent of current coverage of federal award dollars.)
- Increases the minimum threshold to determine whether a program is a Type A or Type B program from \$300,000 to \$750,000. (Type A programs are more likely to be selected to be audited as a major program during a Single Audit.)

- Specifies that a Type A program will automatically be selected to be audited as a major program in instances where the program was audited in the prior year and there were the following types of findings related to the program:
 - o Modified opinion on compliance
 - o Material weakness in internal controls over compliance
 - Questioned costs greater than five percent
- Significant deficiencies in internal controls over compliance and other compliance findings will no longer require automatic selection of a Type A program as a major program in the subsequent year's Single Audit.
- Reduces overall coverage requirements during a Single Audit from 25 percent to 20 percent of federal awards for low-risk auditees and from 50 percent to 40 percent of federal awards for all other auditees.
- Refines the criteria for auditees to be considered a low-risk auditee.
- Makes single audit reports available to the public online.
- Requires the auditee to certify that there is no protected personally identifiable information in the Single Audit report upon submission to the Federal Audit Clearinghouse.
- No longer requires sub-recipients to provide copies of their Single Audit reports to pass-through entities, since this information will be available online.

The proposed guidance discussed streamlines the types of compliance requirements found in the Compliance Supplement from the existing 14 to 6. Since the Compliance Supplement is published as part of a separate process, such changes were not included in the final guidance. Instead, this issue is expected to be addressed in future updates to the Compliance Supplement.

The guidance is effective immediately for federal agencies. For non-federal agencies, the guidance is effective as implementation policies are provided by the applicable federal agency and no later than December 26, 2016. Guidance related to audit requirements is effective for years beginning after December 26, 2016.

For additional information on the Super Circular, please visit the following website: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200 main 02.tpl.

Reference: U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller, Financial Guide. Web Address: http://www.ojp.gov/financialguide/.

2. ADMINISTRATIVE AND FISCAL REQUIREMENTS

Applicants should become familiar with the administrative and fiscal conditions applicable to USDOJ Grant requirements. Failure to comply with these conditions may result in the termination of funding. Grantees must comply with the provisions of the effective edition of the Office of Justice programs "Financial Guide" and with the terms and conditions of the Memorandum of Understanding (MOU) regarding their respective grant program.

To proactively monitor subawards and to ensure timely implementation and achievement of goals and objective, subgrantees are encouraged to:

- Read award/contract documents carefully.
- Ask for explanation and clarity; don't assume.
- Document transactions, agency guidance, performance evaluations, etc., in writing.
- Keep documentation on hand.
- Document, document! If it isn't documented, it doesn't exist!

Program and Fiscal Responsibilities

The subrecipient must establish and maintain program records that assure project activities are in compliance with the approved project narrative. Such records must be readily available for review.

The subrecipient must establish and maintain fiscal controls and procedures that assure that federal and/or local funds available for the grant program are properly disbursed. Funds awarded may be expended only for activities and purposes set forth in the approved budget within the approved grant award period. *The grant period is the period when the account is established by DOA and loaded by BBMR*. Obligated funds are those funds for which goods or services have been encumbered such as a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the begin date. These items or services must be received and there must be an obligation to pay by the end date of the award period.

Recipients

A recipient is a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program.

Recipients are required to adhere to the applicable law of their jurisdiction, and the financial and administrative rules incorporated in the USDOJ Financial Guide. Other programmatic and technical requirements (for example, as set out in award conditions or contained in program-specific guidelines) may also apply.

Recipients are also required to adhere to all applicable uniform (grants) administrative requirements, cost principles, and audit requirements set forth in 2 C.F.R. Part 200 and other applicable law.

Subrecipients

A subrecipient, also known as subgrantee, is a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program but does not include an individual that is a beneficiary of such program. Subrecipients are required to adhere to the applicable law of their jurisdiction, and the financial and administrative rules incorporated in the USDOJ Financial Guide. The pass-through entity may also impose additional financial and administrative requirements as set in award conditions or contained in program- specific guidelines.

Subrecipients are also required to adhere to all applicable uniform (grant) administrative requirements, cost principles, and audit requirements set forth in 2 C.F.R. Part 200 and other applicable law.

(i) FINANCIAL MANAGEMENT TIP

When determining whether an entity receiving federal award funds from the recipient is a subrecipient or a contractor, the legal document executed between the recipient and the entity receiving federal award funds from the recipient is NOT the driving determinant. See 2 C.F.R. § 200.22 and 2 C.F.R. § 200.92. The substance of the activity that has been contracted or subawarded will be the major factor considered. If program activities are delegated to another entity that delegation will generally be considered a subaward. On the other hand, if goods or services are purchased or procured from another entity for the non- Federal entity's own use, that activity will generally be considered a contract. For additional information on this topic, please refer to 2 C.F.R. § 200.330, subrecipient and contractor determination.

Project Implementation

The grantee organization is responsible for proceeding with as little delay as possible in commencing its grant project. The following cancellation procedures will be applied.

- 1. Commencement within 60 days. Each federally funded project not achieving operational status within sixty (60) days of the beginning date of the grant period (date grant period award established by DOA and loaded by BBMR) must submit in writing to the GCO-FPO the reasons for the delay, the steps being taken to initiate the project and the anticipated start date.
- 2. Commencement within 90 days. If, after ninety (90) days, the project is still not implemented, a further statement outlining the reasons for the additional delay shall be submitted to the GCO-FPO. The GCO-FPO's administrator may, at his/her discretion, determine such delay to be excessive, cancel the grant and reallocate the funds to another project to address a criminal justice need or initiative.

Standards for Financial Management Systems

All grant recipients are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records shall include both Federal funds and all matching funds of State, local, and private organizations, when applicable.

Subrecipients shall expend and account for grant funds in accordance with State laws and procedures for expending and accounting for their own funds. Subrecipients of States shall follow the financial management requirements imposed on them by States. (State and local procedures must ensure that subrecipients comply with the financial management standards found at Subpart D of 2 C.F.R. Part 200, including 2 C.F.R. § 200.302).

- A. Accounting System: Each recipient is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself, and for ensuring that an adequate system exists for each of its subrecipients. An acceptable and adequate accounting system:
 - 1. Presents and classifies projected historical cost of the grant as required for budgetary and evaluation purposes;
 - 2. Provides cost and property control to ensure optimal use of funds;
 - 3. Controls funds and other resources to assure that the expenditure of funds and use of property conform to any general or special conditions that apply to the recipient;
 - 4. Meets the prescribed requirements for periodic financial reporting of operations; and
 - 5. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.
- B. Accounting Systems Criteria: The subrecipient is free to use any accounting system that the subrecipient has established if the system meets the following minimum criteria:
 - 1. Requisitions, purchase orders, receipts, invoices, etc. should be classified by the source of funding, i.e., FY2018 STOP-WF-AX0027 project title, work request number, and the Z account number and/or contract number to which the costs will be charged. Subrecipients need to use the Z account number and/or contract number assigned to the project. If costs attributable to the grant program will include those from sources other than the federal grant, such as match, income earned by the project, or funds from other sources, this should be clearly noted on receipts.
 - 2. Expenditures should be classified by the object classification identified in the work request. All expenditure documents, regardless of type, must include the assigned Z account and/or contract number, project title, work request number and fiscal year.
 - 3. Each project should be accounted for separately. Each year of a continuation of the project is regarded as coming from a separate fund source and should be accounted for as such. All projects should reflect the fiscal year, project title, work request number and Z account number and/or contract number. Subrecipients are prohibited from commingling funds on either a program-by-program basis or a project-by-project basis.

- 4. The accounting system must be such as to provide adequate information for the prompt and proper submission of semiannual financial reports.
- 5. All required financial records shall be maintained for three years from the date of the final financial report, when the grantor has fully closed out the grant award or until all questions arising from an audit have been resolved; whichever occurs first.

C. Commingling of Funds:

- 1. The accounting systems or all subrecipients must ensure that agency funds are not commingled with funds from other Federal agencies or from other federally funded projects. Subrecipients are prohibited from commingling funds on either a program-by-program basis or project-by-project basis.
- 2. Funds specifically budgeted and/or received for one project may not be used to support another. Where a subrecipient's accounting system cannot comply with this requirement, the recipient shall establish a system to adequately track funds according to each budget category or project.
- D. Supplanting of Funds: Federal funds must be used to supplement existing funds for program activities and not replace those funds, which have been appropriated for the same purpose.
 - 1. Potential supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit.
 - 2. If there is a potential presence of supplanting, the subrecipient will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.
 - 3. For certain programs, a written certification may be requested by the awarding agency or recipient agency stating that Federal funds will not be used to supplant State or local funds.

Supplanting is defined to reduce State or local funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. Federal funds must be used to supplement existing State or local funds for program activities and may not replace State or local funds that have been appropriated or allocated for the same purpose.

Additionally, federal funding may not replace State or local funding that is required by law. In those instances where a question of supplanting arises, the applicant or grantee may be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

e.g. EXAMPLE

To help clarify the difference between supplementing and supplanting, we provide the following example: State funds are appropriated to hire 50 new police officers, and Federal funds are awarded for hiring 60 new police officers. At the end of the year, the State has hired 60 new police officers, and the Federal funds have been exhausted. The State has not used its funds towards hiring new officers, but instead reduced its appropriation for that purpose and assigned or appropriated the funds to another purpose. In this case, the State has supplanted its appropriation with the Federal funds. If supplanting had not occurred, 110 new officers would have been hired using Federal funds for 60 officers and State funds for 50 officers. When determining whether an entity receiving federal award funds from the recipient or a contractor, the legal document executed between the recipient and the entity receiving federal award funds from the recipient is NOT the driving determinant. See 2 C.F.R. § 200.22 and 2 C.F.R. § 200.92. The substance of the activity that has been contracted or subawarded will be the major factor considered. If program activities are delegated to another entity that delegation will generally be considered a subaward. On the other hand, if goods or services are purchased or procured from another entity for the non-Federal entity's own use, that activity will generally be considered a contract. For additional information on this topic, please refer to 2 C.F.R. § 200.330, subrecipient and contractor determination.

E. Obligation of Funds: An obligation is a legal liability for which funds are committed and disbursement is expected to occur during a specified time period. For example, if you place an order for a piece of equipment to be purchased with award funds, the order is an obligation. See 2 C.F.R. § 200.71 (definition of "Obligations").

Obligations must occur during the project period stated on your award document. An obligation occurs when funds are committed, such as in a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the begin date and up to the last day of the award period. See 2 C.F.R. § 200.309 (Period of Performance).

(i) FINANCIAL MANAGEMENT TIP

Obligations must occur during the project period. If funds are obligated (e.g., enter into a contract) prior to the start of the project period, that obligation may not be an allowable expense, unless the award recipient notifies the awarding agency in advance in writing and receives prior written approval from the awarding agency.

Any funds not obligated by the recipient by the end of the award period will lapse and revert to the awarding agency. The obligation deadline is the last day of the grant award period unless otherwise stipulated. No additional obligations can be incurred after the end of the award. For example, if the award period is October 1, 2017 to September 30, 2021, the obligation deadline is September 30, 2021.

- F. Withholding of Funds: Under certain circumstances, a grant recipient may be unable to access or draw down funds on an award. The awarding agency may withhold funds from the organization if any of the following conditions exist:
 - 1. Program or project goals have not been met in a timely manner.
 - 2. Cash has been drawn down in excess of immediate needs for disbursement.
 - 3. Award special conditions or guidelines have not been met.
 - 4. Programmatic/financial monitoring, Office of the Inspector General Audits, or single audits revealed serious concerns regarding the administration of the award, subawards, or contracts.

- 5. FFRs, Progress Reports, and/or Audit Reports have not been submitted by the due date.
- 6. A closeout of the award has not been initiated within 90 days of the expiration of the grant.

Personnel Policies and Procedures

Agency records and accounting systems must include the following components for personnel approved in the project's budget:

The subrecipient should reference the Department of Administration's Personnel Rules and Regulations governing personnel policies and procedures with regards to:

- 1. Work hours
- 2. Holidays, vacations, sick leave, and other leave time
- 3. Overtime pay and compensatory time
- 4. Termination
- 5. Qualifications
- 6. Written job descriptions

Project officials must ensure that employees working on the grant-funded project are not receiving duplicate compensation (i.e., being paid with the grant funds while receiving a salary for the same periods from another source).

Employees one hundred percent (100%) federally funded under USDOJ Grants are expected to work solely on the cost objectives identified in the project. Project officials must ensure that semi-annual periodic certifications of employees are submitted to the GCO-FPO for the period covered by the certification; and to maintain personnel time distributions sheets.

Charges made to Federal awards for salaries, wages, and fringe benefits must be based on records that accurately reflect the work performed and comply with the established policies and practices of the organization. See 2 C.F.R. § 200.430 for further clarification.

Managing Your Grant

Grant Files:

GCO-FPO recommends that you set up a file for each project you have been awarded by grant year. This file should contain:

- Part 1: Application, Memorandum of Understanding
- Part 2: Approved Budget, Certifications
- Part 3: Quarterly Financial Reports and Financial Records (requisitions, purchase orders, receipts, invoices, etc.)
- Part 4: Quarterly Progress Reports/Semiannual Progress Reports/Close-Out Reports, Inventory Report (if applicable)

Part 5: Correspondence with GCO-FPO

Please note that grantees are required to maintain all records and project materials for three years from the date that single audit report covering the entire grant period is closed. This requirement ensures that complete information is available to OJP or another oversight agency (i.e., General Accounting Office, Office of the Inspector General, Public Auditor) who conducts an audit of the grant

General Award Terms and Conditions

All grants are subject to, and incorporate by reference, some of the following special award conditions:

• Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office on Violence Against Women ("OVW") taking appropriate action with respect to the recipient and the award. Among other things, OVW may withhold award funds, disallow costs, or suspend or terminate the award. OVW also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

• Applicability of Part 200 Uniform Requirements and DOJ Grants Financial Guide

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements"), and the current edition of the DOJ Grants Financial Guide as posted on the OVW website, including any updated version that may be posted during the period of performance. The recipient also agrees that all financial records pertinent to this award, including the general accounting ledger and all supporting documents, are subject to agency review throughout the life of the award, during the close-out process, and for three years after submission of the final Federal Financial Report (SF-425) or as long as the records are

retained, whichever is longer, pursuant to 2 C.F.R. 200.333, 200.336.

• Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so, requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

• Requirements related to System for Award Management and unique entity identifiers

The recipient and subrecipient must comply with applicable requirements regarding the
System for Award Management (SAM), currently accessible at https://www.sam.gov.
This includes applicable requirements regarding registration with SAM, as well as
maintaining current information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OVW website at https://www.justice.gov/ovw/award-conditions (Award Condition: Requirements related to System for Award Management (SAM) and unique entity identifiers).

• Employment eligibility verification for hiring under the award

The recipient must ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. § 1324a(a)(1) and (2). The details of the recipient's obligations under this condition are posted on the OVW website at https://www.justice.gov/ovw/award-conditions (Award Condition: Employment eligibility verification for hiring under award).

• Requirements to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any subrecipient at any tier) must have written procedures in place to respond in the event of an actual or imminent breach (as defined in OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information (PII) (as defined in 2 C.F.R. 200.79) within the scope of an OVW grant-funded program or activity, or 2) uses or operates a Federal information system (as defined in OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OVW Program Manager no later than 24 hours (12 hours for subrecipients) after an occurrence of an actual breach, or the detection of an imminent

breach. (Appendix A1, Appendix A2 and Appendix A3)

• Unreasonable restrictions on competition under the award; association with federal government

No recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by DOJ. The details of the recipient's obligations under this condition are posted on the OVW website at https://www.justice.gov/ovw/award-conditions (Award Condition: Unreasonable restrictions on competition under the award; association with federal government), and are incorporated by reference here.

• Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OVW authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

Details of obligations related to prohibited conduct related to trafficking in persons are posted on the OVW web site at https://www.justice.gov/ovw/award-conditions (Award Condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OVW authority to terminate award.

• Determinations of suitability to interact with participating minors

This condition applies to this award if it is indicated – in the application for the award (as approved by DOJ) (or in the application for any subaward at any tier), the DOJ funding announcement (solicitation), or an associated federal statute – that a purpose of some or all of the activities to be carried out under the award (whether by the recipient or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status. The details of this requirement are posted on the OVW web site at https://www.justice.gov/ovw/award-conditions (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors)

• Effect of failure to address audit issues

The recipient and subrecipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

• Potential imposition of additional requirements

The recipient and subrecipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

- DOJ regulations pertaining to civil rights and nondiscrimination 28 C.F.R. Part 42 The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.
- DOJ regulations pertaining to civil rights and nondiscrimination 28 C.F.R. Part 38 The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

• Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

• Restrictions on "lobbying" and policy development

In general, as a matter of federal law, federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, in order to avoid violation of 18 U.S.C. § 1913. The recipient, or any subrecipient ("subgrantee") may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.

Another federal law generally prohibits federal funds awarded by OVW from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as

renewing, extending, or modifying any such award. See 31 U.S.C. § 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OVW for guidance, and may not proceed without the express prior written approval of OVW.

• Compliance with general appropriations-law restrictions on the use of federal funds for this fiscal year

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, for each fiscal year, set out are https://www.justice.gov/ovw/award-conditions (Award Condition: General appropriations-law restrictions on use of federal award funds), and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriationslaw restriction, the recipient is to contact OVW for guidance, and may not proceed without the express prior written approval of OVW.

• Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient and any subrecipient ("subgrantee") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.

• Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native

language of the workforce), of employee rights and remedies under 41 U.S.C. 4712. Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

• Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient or subrecipient is designated high risk by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OVW by email to OVW.GFMD@usdoj.gov. Subrecipients/subgrantees will submit directly to GCO-FPO by email to gcofpo@guam.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: (1) the federal awarding agency that currently designates the recipient high risk; (2) the date the recipient was designated high risk; (3) the high-risk point of contact at that federal awarding agency (name, phone number, and email address); and (4) the reasons for the high-risk status, as set out by the federal awarding agency.

• Availability of general terms and conditions on OVW website

The recipient agrees to follow the applicable set of general terms and conditions that are available at https://www.justice.gov/ovw/award-conditions. These do not supersede any specific conditions in this award document.

• Compliance with statutory and regulatory requirements

The recipient agrees to comply with all relevant statutory and regulatory requirements, which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, the Omnibus Crime Control and Safe Streets Act of 1968, 34 U.S.C. §§ 10101 et seq., and OVW's implementing regulations at 28 C.F.R. Part 90.

• Compliance with solicitation requirements

The recipient agrees that it must be in compliance with requirements outlined in the solicitation under which the approved application was submitted, the applicable Solicitation Companion Guide, and any program-specific frequently asked questions (FAQs) on the OVW website (https://www.justice.gov/ovw/resources-and-faqs-grantees). The program solicitation, Companion Guide, and any program specific FAQs are hereby incorporated by reference into this award.

VAWA 2013 nondiscrimination condition

The recipient acknowledges that 34 U.S.C. § 12291(b)(13) prohibits recipients of OVW awards from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The recipient agrees that it will comply with this provision. The recipient also agrees to ensure that any subrecipients ("subgrantees") at any tier will comply with this

provision.

• Misuse of award funds

The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

• Limitation on use of funds to approved activities

The recipient agrees that grant funds will be used only for the purposes described in the recipient's application or subrecipient's proposal, unless OVW determines that any of these activities are out of scope or unallowable. The recipient must not undertake any work or activities that are not described in the recipient's application, award documents, or approved budget, and must not use staff, equipment, or other goods or services paid for with grant funds for such work or activities, without prior written approval, via Grant Adjustment Notice (GAN), from OVW or the recipient.

• Non-Supplantation

The recipient agrees that grant funds will be used to supplement, not supplant, non-federal funds that would otherwise be available for the activities under this grant.

Confidentiality and information sharing

The recipient agrees to comply with the provisions of 34 U.S.C. § 12291(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The recipient also agrees to ensure that all subrecipients ("subgrantees") at any tier meet these requirements.

• Policy for response to workplace-related incidents of sexual misconduct, domestic violence, and dating violence

The recipient, and any subrecipient at any tier, must have a policy, or issue a policy within 270 days of the award date, to address workplace-related incidents of sexual misconduct, domestic violence, and dating violence involving an employee, volunteer, consultant, or contractor. The details of this requirement are posted on the OVW web site at https://www.justice.gov/ovw/award-conditions (Award Condition: Policy for response to workplace-related sexual misconduct, domestic violence, and dating violence). (Appendix B)

• Federal Funding Accountability and Transparency Act of 2006 (FFATA)

The Transparency Act requires information disclosure concerning entities receiving Federal financial assistance through Federal awards such as Federal contracts, subcontracts, grants, and sub-grants. Specifically, the Transparency Act's sections 2(b)(1) requires the Office of Management and Budget ('OMB") to maintain a single, searchable website that provides the public with information about how tax dollars are spent and gives them the ability to hold the Federal Government accountable for each spending decision. That site is http://www.usaspending.gov/Pages/Default.aspx.

Subrecipients agree to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total

compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds.

Pass-through entities that award \$25,000 or more to subrecipients are required to submit data in the FFATA Subaward Reporting System. Per 2 C.F.R. Volume 1, §170 (Reporting Subaward and Executive Compensation Information), prime grant recipients awarded a new Federal grant greater than or equal to \$25,000 as of October 1, 2010 are subject to FFATA subaward reporting requirements as outlined in the OMB guidance issued August 27, 2010. The prime awardee is required to file a FFATA subaward report through the FFATA Subaward Reporting System (FSRS), https://www.fsrs.gov, by the end of the month following the month in which the direct recipient awards any subgrant greater than or equal to \$25,000. Pass-through entities should also review and carefully consider 2 C.F.R. § 200.330 (Subrecipient and Contractor Determinations), as it includes guidance in making an appropriate determination that is relevant not only with regard to subrecipient reporting under FFATA, but also is key to the proper financial and programmatic administration and management of federal award funds.

The reporting requirements for Federal award recipients of both formula and discretionary grants awarded on or after October 1, 2010 are:

- All subaward information must be reported by the Federal recipient.
- If the initial subaward is at least \$25,000, the award recipient must report the subawards and the names and annual compensation of the subawardee's five highest paid executives.
- If the initial award is below \$25,000 but subsequent award modifications result in a total award equal to or over \$25,000, the award will be subject to the reporting requirements as of the date the award reaches \$25,000.
- If the initial award is equal to or greater than \$25,000 but de-obligation of funding causes the total award amount to fall below \$25,000, recipients will continue to be subject to the reporting requirements.

The reporting requirements do NOT apply to the following:

- Awards to individuals
- Recipients that had a gross income of \$300,000 or less in their previous tax year
- Classified information

• Copyrighted works

Pursuant to 2 C.F.R. 200.315(b), the recipient or any subrecipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under this award. OVW reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work, in whole or in part (including in the creation of derivative works), for federal purposes, and to authorize others to do so.

OVW also reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, in whole or in part (including in the creation of derivative works), any work developed by a subrecipient ("subgrantee") of this award, for federal purposes, and to authorize others to do so.

In addition, the recipient (or subrecipient, contractor, or subcontractor of this award at any tier) must obtain advance written approval from the OVW program manager assigned to this award, and must comply with all conditions specified by the program manager in connection with that approval, before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.

It is the responsibility of the recipient (and of each subrecipient, contractor, or subcontractor as applicable) to ensure that this condition is included in any subaward, contract, or subcontract under this award.

• Consultant compensation rates

The recipient acknowledges that consultants paid with award funds generally may not be paid at a rate in excess of \$81.25 per hour, not to exceed \$650 per day. To exceed this specified maximum rate, recipients must submit to OVW a detailed justification and have such justification approved by OVW, prior to obligation or expenditure of such funds. Issuance of this award or approval of the award budget alone does not indicate approval of any consultant rate in excess of \$81.25 per hour, not to exceed \$650 per day. Although prior approval is not required for consultant rates below this specified maximum rate, recipients are required to maintain documentation to support all daily or hourly consultant rates.

• Required SAM and FAPIIS reporting (Cumulative amount under award number exceeds \$500,000)

The recipient and any subrecipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OVW award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OVW awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to FAPIIS within SAM are posted on the OVW web site at: https://www.justice.gov/ovw/award-conditions (Award Condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

3. PROJECT IDENTIFIERS

FISCAL YEAR:

- All correspondence and documents pertaining to a subgrant from GCO-FPO will reflect the Fiscal Year Grant Award. The Fiscal Year reflects the year for which Congress appropriated the funds (i.e., STOP 2018-WF-AX-0027).
- All correspondence and documents that you send to GCO-FPO regarding your Fiscal Year subgrant(s) must also reflect Fiscal Year Grant Award and the project title. (i.e., STOP 2018-WF-AX-0027).

4. ESTABLISHMENT OF ACCOUNT

REQUIRED DOCUMENTS:

Before an account can be established, all of the following documents must first be submitted:

- Signed Memorandum of Understanding (MOU)/Amendment to the MOU
- Signed Work Request Form

ESTABLISHMENT OF ACCOUNT:

- An MOU and the Work Request (contract) Form will be prepared and sent to the subgrantee for signature. Once signed, submit to GCO-FPO for processing.
- The signed contract will be sent to BBMR, the Office of the Attorney General, and the Governor's Office for signature.
- The completed MOU and Work Request Form will be sent to the Department of Administration (DOA). DOA will assign an AS400 Number to the line agencies work request, and a contract number will be assigned to the judicial branch and 501(c)(3) entities.

DATE AND NOTIFICATION OF SUBGRANT AWARD:

The effective date of a subgrant is the date that the account is established by the Department of Administration.

- A copy of the contract will be sent to the agency contact person once the account is established at DOA.
- A copy of the contract will be provided to the subrecipient.

5. REPROGRAMMING REQUESTS

BUDGET ITEM REPROGRAMMING REQUESTS:

- Subgrantees must seek approval from all budget item reprogramming requests. A decision by GCO-FPO will be made in consultation with the subgrantee. In the event that the budget reallocation would result in changes to the scope of the project, subgrantees understand that GCO-FPO will seek prior approval from OVW. *No funds may be reprogrammed without GCO-FPO's prior authorization.*
 - Types of Classification Reprogramming:
 - Line Item Reprogramming: When funds need to be transferred from one budget item to another within the same object class, and there is no change to the approved budget within the object class. An official request with a justification must be submitted to the administrator. An example of a line item reprogramming request is as follows:
 - The Guam Police Department is requesting to reprogram \$1000 from contractual (230) for the reproduction of sexual assault outreach awareness materials (flyers, brochures, pamphlets) to contractual (230) for the maintenance of DART vehicles. The reprogramming request is as follows:

Table 1.					
Object Class	Approved Budget Item	Approved Budget	Amendment	Proposed Budget	Notes
230 Contractual	Maintenance of security camera systems	\$1,000.00	\$200.00	\$1,200.00	Additional funds to support the maintenance of security camera systems
230 Contractual	Reproduction of outreach Materials (flyers, brochures, pamphlets)	\$350.00	(\$200.00)	\$150.00	Reprogram funds to support the maintenance of security camera systems
	Total:	\$1,350.00	\$0.00	\$1,350.00	

Approved	Disapprove	ed	
(GCO-FPO Admir	nistrator)	Date	

- If there are no problems with the request, GCO-FPO sends an email with the approved budget to the agency contact person. GCO-FPO staff must ensure to retain all official correspondences regarding the line item reprogram to include emails sent approving the reprogram request for retention in the projects file folders.
 - Object Classification Reprogramming: When funds need to be transferred from one object category to another, the transfer will result in a decrease in one category and an increase in the other object category. Object classification reprogramming will need to be approved by GCO-FPO and a request must be officially submitted to the administrator.
 - The request must reflect the decreased budget item's new amount as well as the increased budget item's new amount. A written justification for the change

must also accompany the request.

- The Object Classification Reprogramming Request also requires a change to the Budget by Object Classification, an amended Budget by Object Classification should accompany the request. An example of a budget item reprogramming request is as follows:
 - The Office of the Attorney General is requesting to reprogram \$2,500.00 from object class 220-travel to object class 113-fringe benefits to cover unanticipated cost increase for health/dental insurance. The reprogramming request is as follows:

Table 2.					
Object Class	Approved Budget Item	Approved Budget	Amendment	Proposed Budget	Notes
111 Salaries	Salaries for 1 prosecutor	\$75,000.00	\$0.00	\$75,000.00	
113 Fringe Benefits		\$5,000.00	\$2,500.00	\$7,500.00	
220 Travel	Off-island travel for prosecutors	\$10,000.00	(\$2,500.00)	\$7,500.00	Reprogram funds to support the unanticipated cost increase in 113-Benefits
240 Supplies	Misc. office supplies	\$500.00	\$0.00	\$500.00	
	Total:	\$90,500.00	\$0.00	\$90,500.00	

Approved	Disapproved		
(GCO-FPO Admin	istrator)	Date	

• GCO-FPO staff will remit to the subgrantee via email notification of reprogramming approval/disapproval. The notification should be retained in your subgrant project files.

6. FINANCIAL AND PROGRAMMATIC REPORTING

All subgrantees must submit Quarterly Financial Reports also known as Federal Financial Reports (FFRs) with copies of supporting documents (e.g., three price quotations, requisitions, sole source approval, contracts, request for proposal, scope of work, contract evaluation, invoices, employment certification, in-kind time sheets, purchase orders, etc.) to GCO-FPO within 20 days after the end of the quarter, regardless of whether any expenditures were incurred. FFRs for the September ending are due October 20 and for December ending by January 20. The report will be in the form prescribed by the GCO-FPO. Please ensure all documents reference the fiscal year, project title, work request number and Z account number and/or contract number.

Subrecipient financial and programmatic reporting are part of grant award conditions and subrecipient monitoring process. These reports are as follows:

• Financial Reporting Periods and Due Dates:

Table 3.	
Reporting Period	Due Dates
January 01 – March 31	April 20
April 01 – June 30	July 20
July 01 – September 30	October 20
October 01 – December 31	January 20

• <u>Categorical Assistance Progress Reports (CAPR)</u>: CAPRs are to be submitted on a monthly basis.

Table 4.	
Reporting Period	Due Dates
January 01 - 31	February 10
February 01 – 28	March 10
March 01 – 30	April 10

• <u>Subgrantee Annual Progress Report (SAPR)</u>: The SAPRs form is developed by the Violence Against Women Act Measuring Effectiveness Initiative (VAWAMEI). VAWAMEI was established to help the Office on Violence Against Women (OVW) document and measure the work of thousands of OVW grantees. Subgrantees can download the SAPRs form VAWAMEIs website, https://www.vawamei.org/grant-program/stop-formula-grant-program/ or as provided by GCO-FPO.

SAPR Reporting Type, Period and Due Dates:

Table 5.		
	OVW Formula Grants	
Type of Report	Reporting Period	Due Date
Annual	January – December	January 20
0	VW Discretionary Grants	
Semi-annual	January – June July – December	July 20 January 20

In the event the due date, for any of the above reporting types, if the reporting period falls on a holiday or weekend, the due date of such report will be due the business day before.

7. REIMBURSEMENT REQUESTS

Due to the accounting system defined by the Department of Administration – Division of Accounts, applicability depends on the type of entity.

Subrecipients are required to submit on a monthly basis a 1) Monthly Contract Payment Request (CPR); or 2) Monthly Expenditure Report (MER). Subrecipients shall use the respective form provided by GCO-FPO.

• IRS 501(c)(3) Non-profit organizations: Including the Judiciary of Guam are required

to submit a monthly CPR and shall include the following:

- A copy of the recorded contract (MOU and Work Request)
- Supporting documentation: requisitions, three price quotations, purchase orders, contracts, labor cost distribution, receipts, invoices, three vendor quotations or contractors quotations if using the U.S. GSA Contract or Services to determine whether the U.S. GSA Contract or Schedule is lower by ten percent from the other vendor and or contractor, etc.
- Government of Guam Line Agencies: These agencies include the Office of the Attorney General and the Guam Police Department. MERs submission shall include the following:
 - Supporting documentation: journal vouchers, requisitions, three price quotations, purchase orders, contracts, labor cost distribution, receipts, invoices, three vendor quotations or contractors quotations if using the U.S. GSA Contract or

8. FAILURE TO SUBMIT

GCO-FPO will send out reminder notifications for the submission of monthly, quarterly, semi-annual or annual reports. Failure to submit required reports will have a negative impact upon the subgrant and any future funding from GCO-FPO and OVW. Repeated failure to submit on time required Quarterly Financial and Progress Reports will impact your status as a high risk recipient and GCO-FPO may impose additional specific award conditions as referenced in 2 CFR 200 §200.207 Specific conditions and §200.338 See also USDOJ Financial Guide, Section III. Postaward Requirements, 3.17 - Remedies for noncompliance.

Remedies for noncompliance are listed in the following:

§200.207 Specific conditions.

- (a) The Federal awarding agency or pass-through entity may impose additional specific award conditions as needed, in accordance with paragraphs (b) and (c) of this section, under the following circumstances:
 - (1) Based on the criteria set forth in §200.205 Federal awarding agency review of risk posed by applicants;
 - (2) When an applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award;
 - (3) When an applicant or recipient fails to meet expected performance goals as described in §200.210 Information contained in a Federal award; or
 - (4) When an applicant or recipient is not otherwise responsible.

- (b) These additional Federal award conditions may include items such as the following:
 - (1) Requiring payments as reimbursements rather than advance payments;
 - (2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
 - (3) Requiring additional, more detailed financial reports;
 - (4) Requiring additional project monitoring;
 - (5) Requiring the non-Federal entity to obtain technical or management assistance; or
 - (6) Establishing additional prior approvals.
- (c) The Federal awarding agency or pass-through entity must notify the applicant or non-Federal entity as to:
 - (1) The nature of the additional requirements;
 - (2) The reason why the additional requirements are being imposed;
 - (3) The nature of the action needed to remove the additional requirement, if applicable;
 - (4) The time allowed for completing the actions if applicable, and
 - (5) The method for requesting reconsideration of the additional requirements imposed.
- (d) Any specific conditions must be promptly removed once the conditions that prompted them have been corrected.

§200.338 Remedies for noncompliance.

If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in §200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

- (a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
- (b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- (c) Wholly or partly suspend or terminate the Federal award.
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).

- (e) Withhold further Federal awards for the project or program.
- (f) Take other remedies that may be legally available.

If it is determined that non-compliance cannot be remedied, the GCO-FPO will explore the following: deobligations of funds, a hold placed on expenditure of funds, or denial of future funding requests. Compliance with financial, monthly, quarterly, semi-annual or annual reporting requirements are necessary for the effective monitoring of the Federal award and failure to report could significantly affect program outcomes, and preferably in coordination with performance reporting.

9. PROJECT ASSESMENT AND MONITORING

The purpose of subrecipient monitoring is to ensure that the subaward is being used for the authorized purpose, in compliance with the federal program and grant requirements, laws, and regulations, and that subaward performance goals are achieved. The State Administering Agency (SAA) is required to monitor subrecipients. The requirements for subrecipient monitoring can be found in 31 U.S.C. § 7502 and in Title 2 C.F.R. §200 (including, but not limited to, the sections on "Subrecipient Monitoring and Management" contained in Subpart D and audit requirements applicable to subrecipients contained in Subpart F).

As the SAA, the GCO-FPO conducts multiple types of monitoring responsibilities with reference to their subgrantees that include: 1) fiscal and administrative oversight that ensures compliance with Federal and State laws and regulations; and 2) programmatic and evaluative monitoring that allows the SAA to determine if the subgrant is achieving its overall objectives and having some positive impact on the problem that the Statewide Strategy is addressing through funding of this subgrant. Fiscal and programmatic monitoring will also determine if subgrantees are accomplishing something useful through their use of USDOJ grant funds. The SAA will also monitor the quality of the programmatic activities to determine if the project is progressing, is having the intended effect on the problem, or is worthy of continued funding in the next cycle. Key to this type of monitoring is maintaining adequate records and data that will allow evaluation of that subgrant and any subgrants involved in implementation of an approved program. Monitoring is generally accomplished by conducting one of three types of monitoring: 1) desk reviews; 2) meetings; or 3) on-site visits.

- <u>Desk Reviews</u>: Desk reviews serves as the primary form of subgrantee monitoring.
 - To conduct a desk review, GCO-FPO will monitor the various supporting documents provided in the subrecipients monthly contract payment request or monthly expenditure report. Supporting documents should be submitted based on approved budget categories. Examples of supporting documents should include personnel time distribution form, timesheets, payroll stubs,
 - invoices, receipts, and copies of form of payments, purchase orders, journal voucher documents and direct payment documents.
 - If concerns are found, GCO-FPO staff will contact the subrecipient via

telephone or send an email to clarify any concern.

Prior to a telephone monitoring contact, GCO-FPO will review the subgrantee's file and compile a list of issues to discuss. Telephone monitoring takes the desk review a step further by contacting the project staff to discuss grant activities and project status. Telephone or e-mail monitoring can also be used to communicate time sensitive information or when on-site visits are not feasible.

Meetings:

• Subgrantee will have an opportunity to discuss or share their concerns, successes and/or their challenges – related to their project or other grant issues. Meetings may take place in-person or via electronic means.

Subgrantee quarterly meetings will help support desk review monitoring efforts. Staff must document and/or note areas of concerns and recommend to the subgrantee to discuss separately.

• On-site:

- Face-to-face interaction with the project staff to discuss specific issues related to the project, such as progress on their proposal, financial and personnel issues.
- Observe grant activity and review files.
- An opportunity to develop or continue a collaborative relationship between GCO-FPO and subgrantee.

On-site visits shall be conducted on the basis of: 1) GCO-FPO staff is unable to resolve desk review concerns; and/or 2) high risk status. GCO-FPO shall forward related monitoring forms in advanced. In the event a face-to-face is discouraged or prohibited, GCO-FPO shall request for items in advance and schedule a virtual meeting.

10. PROPERTY INVENTORY

PROPERTY INVENTORY REPORT FORM

Submit a Property Inventory Report Form to GCO-FPO 90 days after the end of the project period. All equipment which is purchased with DOJ grant funds should be reflected on this form.

Equipment Ownership, Use, Management, and Disposition

Recipients and subrecipients must follow the standards and procedures for ownership (title), use, management, and disposition of equipment set out below.

Ownership of Equipment

Unless more specific rules are identified for a particular grant program, title to equipment acquired under a Federal award will vest in the recipient organization. The legal right of ownership and conditions for use, management, and disposal of equipment are set forth

in 2 C.F.R. § 200.313, and are described below.

Use of Equipment

A *State* must use equipment acquired under a Federal award in accordance with State laws and procedures. DOJ encourages the States to follow the procedures that are in Financial Guide.

Recipients and subrecipients other than States must use equipment acquired under an award (or subaward) for the authorized program or project purposes for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency such as:

- 1) <u>Use for other Federal projects</u>. Equipment must be made available for use on other projects or programs currently or previously supported by the Federal government, provided the use does not interfere with the work on the projects or programs for which it was originally acquired. First preference for other use should be given to other programs or projects supported by the awarding agency;
- 2) <u>User fees.</u> User fees should be considered and treated as program income to the project, when appropriate. See 2 C.F.R. § 200.307 (Program Income). During the time the Federal government retains an interest in the equipment the non-Federal entities must not use equipment acquired with a Federal award to provide services for a fee that is less than private companies charge for equivalent services, unless doing so is specifically authorized by law. See 2 C.F.R. § 200.313(c)(3);
- 3) Replacement equipment. When acquiring replacement equipment, recipients or subrecipients may use the equipment to be replaced as a trade-in, or may sell the equipment and use the proceeds to offset the cost of the replacement equipment, subject to the written approval of the awarding agency; and
- 4) <u>Encumbrances.</u> A non-federal entity must not encumber equipment acquired under a Federal award without approval of the awarding agency or pass-through entity.

Management of Equipment

A *State* should ensure equipment acquired under a Federal award to the State is managed in accordance with State laws and procedures for property.

Recipients and subrecipients other than States must use procedures for managing equipment (including replacement equipment) acquired in whole or in part under a Federal award, until disposition takes place, that, at a minimum, meet the following requirements:

- <u>Property records</u>. Property records must be maintained to include all of the following information:
 - Description of the property
 - Serial number or other identification number
 - Source of the property, including the federal award identification number
 - Identification of the title holder

- Acquisition date
- Cost of the property
- Percentage of Federal participation in the cost of the property
- Location of the property
- Use and condition of the property
- Disposition data, including the date of disposal and sale price
- <u>Inventory</u>. A physical inventory of the property must be taken and the results reconciled with the property records at least once every 2 years.
- <u>Maintenance procedures</u>. Adequate maintenance procedures must be established and used to keep the property in good condition.
- <u>Control System.</u> A control system must be in place with adequate safeguards to prevent loss, damage, and theft.
 - Promptly and properly investigate and fully document any loss, damage, or theft, and make the documentation part of the official project records. 2 C.F.R. § 200.313 (d)(3).
 - Provide at a minimum, the equivalent insurance coverage for equipment acquired with Federal funds that the non-Federal entity owns. Federally-owned equipment need not be insured unless required by the award. 2.C.F.R. § 200.310.
 - Non-federal entities are responsible for replacing or repairing property that is willfully or negligently lost, stolen, damaged, or destroyed.
- <u>Proper sales procedures.</u> If authorized or required to sell the property, the recipient or subrecipient must establish proper sales procedures to ensure the highest possible return.

Disposition of Equipment

A State recipient must dispose of equipment acquired under the award in accordance with State laws and procedures. Recipients and subrecipients other than States must dispose of the equipment when original or replacement equipment acquired under the award or subaward is no longer needed for the original project, or for other activities currently or previously supported by a Federal awarding agency, as follows:

- 1) If the item to be disposed of has a current per-unit fair market value of \$5,000 or less, the item may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- 2) If the item has a current per-unit fair market value of more than \$5,000, the item may be retained or sold, but the awarding agency will have a right to a specific dollar amount. Calculate this amount by multiplying the current market value or proceeds from the item sale by the awarding agency's share of the equipment (i.e., the agency's percentage of participation in the cost of the original purchase). The seller is also eligible for limited sale and handling costs of \$500 or 10% of the proceeds, whichever is less.

3) In cases where the recipient or subrecipient fails to take appropriate disposition actions, the awarding agency may direct other disposition actions.

RETENTION OF RECORDS

Retention of Records

Retain all financial records, supporting documents, statistical records, and all other records pertinent to the award for a period of 3 years from the date of submission of the final expenditure report (Federal Financial Report/SF-425). For more information, see 2 C.F.R. § 200.333.

- 1) Retention is required for purposes of Federal examination and audit.
- 2) Records may be retained in an electronic format.

Coverage

The retention requirement includes, if applicable, books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records.

- 1) Source documents may include copies of all awards, applications, and required recipient financial and narrative reports.
- 2) Personnel and payroll records must include the time and attendance reports for all full-time and/or part-time individuals reimbursed under the award.
- 3) Time and effort reports are also required for consultants.

Exception to the 3-Year Retention Period

The 3-year retention period starts from the date of submission of the final expenditure report. The following are exceptions to the standard record retention period: If any litigation, claim, audit, or other action involving the records has started before the expiration of the 3-year period, the records must be retained until all issues involving the records have been resolved and final action taken.

- 1) When notified by the DOJ grant-making component, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
- 2) Records for real property and equipment acquired with Federal funds must be retained for 3 years after the final disposition.
- 3) When records are transferred to or maintained by the DOJ grant-making component or pass- through entity, the 3-year retention period requirement is not applicable to the non-Federal entity.
- 4) When required for program income earned after the period of performance, the retention period starts from the end of the non-Federal entity's fiscal year in which the program income is earned.
- 5) Indirect cost proposals submitted for negotiation must be retained for 3 years from

the date of submission.

6) Indirect cost proposals not required to be submitted for negotiation must be maintained for 3 years from the end of the fiscal year covered by the proposal.

Maintenance of Records

Maintain and separately identify all records for each Federal fiscal period so that information desired may be readily located.

- 1) Protect the records adequately against fire or other damage.
- 2) Store the records away from the recipient's principal office; however, a list of the documents must be available if needed.
- 3) Whenever practicable, information should be collected, transmitted and stored in open and machine-readable formats rather than in closed formats or on paper.

Access to Records

The DOJ grant-making component, the DOJ Office of the Inspector General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have access to any documents, papers, or other records of recipients which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts.

- 1) The right of access is not limited to the required retention period; it will last as long as the records are retained.
- 2) However, only under extraordinary and rare circumstances would such access include review of information that would personally identify confidential informants or victims of crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the information that could personally identify victims of a crime is determined to be necessary, appropriate steps to protect this sensitive information must be taken by both the non-Federal entity and the DOJ grantmaking component.
- 3) Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the Head of the DOJ grant-making component.

11. PROCUREMENT PROCEDURES

All Procurement transactions without regard to dollar value must be conducted in a manner to provide maximum open and free competition. The Government of Guam's procurement policies and procedures are to be followed by all subgrantees and can be found in Title 2 of the Guam Administrative Rules and Regulation (G.A.A.R) under Division 4 Procurement Regulations. Recipients should also reference 5 GCA Government of Guam Operations, Ch. 5 Guam Procurement Law.

SMALL PURCHASES UNDER \$15,000

Three written quotations must be obtained for small purchases of supplies or services between under \$15,000. The written quotations from business shall be solicited, recorded and on file with your grant and can be obtained electronically and informally (not advertised).

PURCHASES OVER \$15,000: COMPETITIVE SEALED BIDDING

Competitive sealed bidding is the preferred method for the procurement of supplies, services, or construction over \$15,000.

Competitive sealed bidding is the preferred method for the procurement of supplies, services, or construction over \$15,000.

SOLE SOURCE CONTRACTING

Grantees are mandated to compete for contractual requirements. However, there are exceptions to the prime rule of competition. These exceptions result in "sole source" contracting. Procurement by noncompetitive proposals is procurement through the solicitation from only one source, or after solicitation of a number of sources, competition is determined inadequate.

Noncompetitive (e.g., sole source) procurements by the award recipient in excess of the Simplified Acquisition Threshold (currently \$150,000) set out in the Federal Acquisition Regulation must receive prior approval from the awarding agency and must otherwise comply with rules governing such procurements found in the current edition of the OJP Financial Guide.

U.S. GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT OR SCHEDULE

Line Agencies:

Departments and agencies that will be using the U.S. GSA Contract or Schedule are required to attach copies of at least three (3) different contractors or vendor of the same type of equipment or supply listed on the U.S. GSA Contract or Schedule to perform a cost analysis to determine which contractor or vendor is lower by ten percent (10%), as stipulated in GSA Circular No.: 2009-01.

Non-Line Agencies:

Departments and agencies that will be using the U.S. GSA Contract or Schedule are required to obtain quotations from three (3) different contractors or vendors of the same type of equipment or supply in order to perform a cost analysis to show the U.S. GSA Contract or Schedule is lower by ten percent (10%).

12. DISCLOSURE OF FEDERAL PARTICIPATION REQUIREMENT

As a result of the **Stevens Amendment**, Congress now requires all grantees/subgrantees receiving Federal funds, to clearly state: (1) the percentage of the total cost of the project or program financed with Federal money; and, (2) the dollar amount of Federal funds for the project or program. All grantees/subgrantees are to make this statement when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

- A1. This requirement is contained in all governing Memoranda of Understanding and is to be strictly adhered to. Failure to comply may jeopardize your subgrant and Guam's grant.
- A2.**Bid Solicitations and Requests for Proposals**: The amount allocated for the item for which the bid is being requested does not have to be identified. However, the bid solicitation must contain the following information:
 - The total amount of awarded federal funds
 - The percentage of federal funds (100%)
 - The source of the funds
- A3. Press Releases and Statements to the Press: Whenever any statement is issued or interview is given regarding any activity that has been carried out through the use of the federal funds, credit must be given to the grant program. Please ensure that your Public Information Officer, Director, and other staff that may give interviews comply with this requirement.

Give credit to the grant (STOP Grant Number – i.e., STOP 2018-WF-AX-0027) when a press release is issued or interview is given for any activity(s) funded in part or in total under the program brief and identify the amount of funding. Identify in all bid advertisements that funding for the item(s) is being made available 100 percent through the USDOJ OVW Grant (refer to language provided in your project's MOU agreement).

13. PERIOD OF AVAILABILITY OF FUNDS

An expenditure is a charge made by a recipient or subrecipient to a project or program for which a Federal award was received. Expenditures may be reported on a cash or accrual basis as long as the methodology is disclosed and consistently used. See 2 C.F.R. § 200.34 (definition of "Expenditure").

All obligations properly incurred by the end of the Federal award must be liquidated no later than **60 days** (for recipient) and **30 days** (for subrecipient) after the end date of the award. The liquidation period exists to allow projects time to receive ordered goods and make final payments. No new obligations may be made during the liquidation period. Subrecipients are given only 60 days to liquidate their funds rather than the 90-day period. The SAA will use the remaining month of the 90-day period to ensure funds are liquidated, ensure remaining funds are deobligated to the parent account, and prepare the close-out

report.

Disbursements made by recipients or subrecipients after the end of the award period but within the liquidation period MUST have documentation to demonstrate that the obligation was incurred BEFORE the end of the award period. For example, an invoice paid 25 days after the end of the award period must have an invoice date, purchase order date, or other documentation showing the date services were rendered prior to the end of the award period. Any funds not obligated by the recipient by the end of the award period will lapse and revert to the awarding agency.

i OJP Specific Tip

OJP recipients and subrecipients must complete performance during the award or obligation period. Performance as result of a contract under a block/formula award may be completed during the liquidation period not to exceed the 90 after the end of the award or any grantor approved extensions.

Item Description	Reporting Period
Award/Obligation Period	10/01/15 – 09/30/17
Recipient's Books	10/01/15 - 09/30/17
Federal Books	12/01/15 – (Award Date)
	10/01/15 11/00/15
Award/Obligation Period (24 months)	10/01/17 - 11/29/17 Liquidation Period (90 days)

🚺 FINANCIAL MANAGEMENT TIP

The Grant Payment Request System now known as the Automated Standard Application for Payments (ASAP) automatically freezes funds 90 days after the end of the ward.

14. PROJECT EXTENSIONS

Most awards are eligible to be considered for an extension of the award period in response to a GAN request. The request for extension must justify the need for the extension and indicate the additional time required. The grant-making component's ability to grant an extension may be limited by statue for some programs (i.e., funding from OJP typically may not be extended beyond the year of award plus two subsequent fiscal years for a total of 5 years).

The criteria for extending the award period for a project or program include the following:

- A4.All applicable Federal Financial Reports and Progress Reports are on file and current.
- A5.All special award conditions attached to the award are satisfied, except for those conditions that must be fulfilled in the remaining period of the award. This criteria also includes the performance and resolution of audits in a timely manner.
- A6.A narrative justification must be submitted with the project or program extension request. Complete details must be provided, including the justification and the circumstances which require the proposed extension. The recipient must explain the effect or impact a denial of the request will have on the project or program.
- A7.A response should be received from the awarding agency within 15 working days of receipt of the request.

Project Extension Guidance:

- no more than one no-cost extension may be made to an award;
- a no-cost extension may not exceed 12 months;
- a no-cost extension may be made only if the period of performance has not expired;
- a no-cost extension may be made only for award recipients that have no significant performance or compliance issues;
- a no-cost extension may be made only if supported by a robust narrative justification establishing that the extension is for the benefit of the Federal government, and contains a plan and timeline for completion within the period of the no-cost extension;
- a no-cost extension may not be made merely for the benefit of the recipient or for the purpose of the enabling the recipient to use unobligated balances; and
- any provisions of the DOJ Grants Financial Guide relating to no-cost extensions shall be complied with (e.g., a no-cost extension must be requested via a Grant Adjustment Notice (GAN) in the grant system of records at least 30 calendar days before the project end date).

• Extension of the liquidation period may be allowable for awards if approved by the awarding agency.

NOTE:

To avoid the need to make a request to extend the obligation or expenditure deadline of a project, it is recommended that all subawards be completed at least six months prior to the end of the obligation deadline for the award.

Six (6) months prior to the subrecipient subgrant award end date, the recipient or GCO-FPO reserves the right to reprogram excess subrecipient subgrant award funds to another project.

15. TRAVEL POLICIES AND PROCEDURES

The Governor's Community Outreach – Federal Programs Office travel policies and procedures are outlined in Guam Code Annotated (GCA) Government Operations, Chapter 5, Guam Travel Law, and contains specific information on travel authorizations and expense reports, provisions for local and out of state travel, and documentation requirements.

When required, GCO-FPO will seek prior approval from the awarding agency when using Federal funds for travel of government officials in line with Title 2 Code of Federal Regulations (CFR), Part 224, Appendix B, Selected Items of Cost Travel states "[t]. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the governmental unit. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the governmental unit's non-federally-sponsored activities. Notwithstanding the provisions of section 19 of this appendix, General government expenses, travel costs of officials covered by that section are allowable with the prior approval of an awarding agency when they are specifically related to Federal awards.

Subrecipient Travel Requests

When required by grant specific conditions, GCO-FPO will require that all subrecipient travel requests using federal funds to be submitted for pre-approval at least 90 days from the training and or conference date in order to obtain grantor's pre approval and to meet GCO-FPO and DOA submission requirements.

Table 7.			
Grant Programs That Do Not Require Grantor Pre approval			
Grant Type	Program Name		
OVW Formula Grant	STOP Violence Against Women		
Programs	Sexual Assault Services Grant Program (SASP)		
	Grant Programs That Require Grantor Pre approval		
	Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies		
	Grants to Support Families in the Justice System		
OVW Discretionary	Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program		
Grant Programs	Legal Assistance for Victims Grant Program		
	Rural Sexual Assault, Domestic Violence, Dating Violence and Stalking Assistance Program		
	Transitional Housing Grants for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault Program		
	retionary Grant Programs that requires OVW preapproval at		
https://www.justice.gov/ovw/grant-programs#about.			

The travel request must include the following:

- Name of Traveler
- Position Title of Traveler
- Date of Travel and Training, Name of Training/Conference, Purpose of the Travel
- Detailed Travel Cost (Airfare, Per Diem for lodging and meals (per diem for training or conference days plus 1 travel day and Registration)
- Transportation Cost for Taxi or Shuttle Service
- Ground transportation (rental car) is not guaranteed by the grantor agency. A cost breakdown to show cost of car rental versus taxi or other mode of transportation is required to justify the request and cost savings involved. Approval from the Governor's Office is also required for ground transportation.
- Copy of the training and or conference information and agenda
- Upon completion of travel, your entity must submit a copy of the e-ticket receipt showing the actual cost of the airfare accompanied by the travel authorization, travel clearance (original boarding pass and registration receipt if applicable), and trip report with its monthly expenditure report or monthly contract payment request.

Visit https://www.defensetravel.dod.mil/site/perdiemCalc.cfm to find per diem rates. Under the per diem rate query and contiguous United States section, click on the dropdown arrow for the state and uncheck military installations. Some trainings occur in a different fiscal year period, so be sure to select the proper fiscal year.

Subrecipients may also visit https://www.gsa.gov/travel/plan-book/per-diem-rates to find the per diem rates. Click on the state you need to view that state's rates. Even though some cities are listed for your lookup convenience, not all cities can or will be listed, so look for the county where you will be working.

If a city is not listed, check to ensure that the county within which it is located is also not listed. Visit the National Association of Counties website at https://www.naco.org to determine the county a destination is located in. If the city is not listed, but the county is, then the per diem rate is the rate for that entire county. If the city and the county are not

listed, then that area receives the standard CONUS location rate.

Reimbursement for Lodging and Meals Per Diem Procedures

If your per diem was not sufficient to cover the lodging and meals (breakfast, lunch and dinner), you must submit an expense report reflecting the actual expense accompanied by the original receipt to the GCO-FPO for review and approval. Please be advised if meals were provided by the conference or training it will be adjusted according to the meals and incidental expense breakdown as noted in the GSA website.

The subrecipient expense report must be pre-approved by GCO-FPO before a request for reimbursement can be submitted by the subgrant agency.

Foreign Travel

Foreign travel is defined as any travel outside of the United States and its Territories and possessions. In most cases, OVW sponsored or approved trainings or conferences are almost never held in a foreign country.

- For an award recipient or subrecipient located outside the United States and its Territories and possessions, foreign travel means travel outside that country.
- Prior approval is required for all foreign travel. Subgrantees must submit a foreign travel justification request to GCO-FPO and receive prior approval from OVW for all travel outside of the U.S. political jurisdiction (States, Territories and Canada).

16. ALLOWABLE COSTS

Introduction

Grant funds are governed by the cost principles of the Uniform Guidance 2 C.F.R. § 200, Subpart E, and those permitted by the grant program authorizing legislation. To be allowable under Federal awards, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements. This chapter highlights certain elements of allowable costs. For more information about specific factors that affect whether costs are allowable, refer to 2 C.F.R. § 200, Subpart E, including the list of specific items of cost in 2 C.F.R. § 200.420 through 200.475.

Limit on Use of Award Funds for Employee Compensation

Federal grant funds may not be used to pay cash compensation (salary plus bonuses) to any employee at a rate that exceeds 110 percent of the annual maximum salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year.

i FINANCIAL MANAGEMENT TIP

Any additional compensation beyond 110 percent of the U.S. Government SES level will not be considered matching funds where matching requirements apply.

The 2017 salary table for SES employees is available on the U.S. Office of Personnel Management's 2017 Executive and Senior Level Employee Pay Tables web page.

A recipient may compensate an employee at a higher rate, provided the amount in excess of the limitation is paid with non-Federal funds. For employees who charge only a portion of their time to an award, the allowable amount to be charged to that award is equal to the percentage of time worked on the grant times the maximum salary limit (110% of SES salary).

Support of Salaries, Wages, and Fringe Benefits

Charges made to Federal awards for salaries, wages, and fringe benefits must be based on records that accurately reflect the work performed and comply with the established policies and practices of the organization. See 2 C.F.R. § 200.430.

- Charges must be supported by a system of internal controls that provides reasonable assurance that the charges are accurate, allowable and properly allocated.
- Documentation for charges must be incorporated into the official records of the organization.
- Where recipient employees are expected to work solely on a single Federal award, charges for their salaries must be supported by periodic certifications.
- These certifications must be prepared at least every 6 months and signed by the employee and supervisory official having firsthand knowledge of the employee's work.
- Support must reasonably reflect the total activity for which the employee is compensated by the organization and cover both federally funded and all other activities. The records may include the use of subsidiary records as defined in the organization's written policies.
- Where grant recipients work on multiple grant programs or cost activities, documentation must support a reasonable allocation or distribution of costs among specific activities or cost objectives.
- In cases where two or more grants constitute one identified activity or program, salary charges to one grant may be allowable after written permission is obtained from the awarding agency.
- The recipient must complete and keep on file, as appropriate in accordance with Federal law, the U.S. Citizenship and Immigration Services' Employment Eligibility Verification.
- Form I-9 for individuals working under the award. This form is to be used by recipients of Federal funds to verify that persons are eligible to work in the United States.

i OJP Specific Tip

With respect to the limitation, compensation for salary plus bonuses are applicable to any award of more than \$250,000.

1 FINANCIAL MANAGEMENT TIP

Examples of items that may support salaries and wages can include timesheets, time and effort reports, or activity reports that have been certified by the employee and approved by a supervisor with firsthand knowledge of the work performed. Payroll records should also reflect either after the fact distribution of actual activities or certifications of employee's actual work performed.

i OJP Specific Tip

Added Work:

A recipient or subrecipient may employ a State or local government worker to complete tasks in addition to his or her full-time job, provided the work is performed on the employee's own time and:

- Compensation paid should be reasonable and consistent with that paid for similar work in other activities
 of State or local government;
- The employment arrangement is approved and proper under State or local regulations (e.g., no conflict of interest); and
- The time and/or services provided are supported by adequate documentation.

Overtime Compensation

Unless specifically exempted under the Fair Labor Standards Act, recipient and subrecipient employees should be compensated with overtime payments for work performed in excess of the established work week (usually 40 hours).

- Payment of more than occasional overtime is subject to periodic review by the awarding agency.
- In addition, overtime compensation is typically reviewed during site visits and audits.

Executives, administrative and professional employees who meet the criteria for an exemption from the overtime requirements of the Fair Labor Standards Act may not be reimbursed for overtime under grants and cooperative agreements. More information on overtime exemptions under the Fair Labor Standards Act is available on the Department of Labor's website at https://www.dol.gov/agencies/whd/overtime.

(i) FINANCIAL MANAGEMENT TIP

In no case is dual compensation allowable. That is, an employee may not receive compensation from his/her organization AND from an award for a single period of time (e.g., 1 to 5 p.m.), even though such work may benefit both activities

Conferences and Workshops

Allowable costs for conferences **may** include amounts paid for the following:

Conference or meeting arrangements

Governor's Community Outreach – Federal Programs Office (GCO-FPO) Administrative & Subgrantee Guide

- Publicity
- Registration
- Salaries of personnel
- Rental of staff offices
- Conference space
- Recording or translation services
- Postage
- Telephone charges
- Travel expenses (this includes transportation and subsistence for speakers or participants)
- Lodging (restrictions apply—please see below)

i OJP Specific Tip

All contracts under an award funded by OJP awards for events that include 30 or more participants (both Federal and non-Federal) must ensure that lodging costs for any number of attendees do not exceed the prevailing Federal per diem rate for lodging. If the lodging rate is not the Federal per diem rate or less, none of the lodging costs associated with the event are allowable costs to the award. As a result, the recipient would be required to pay for all lodging costs for the event with non- award funds, not just the amount in excess of the Federal per diem. For example, if the Federal per diem for lodging is \$78 per night, and the event lodging rate is \$100 per night, the recipient would be required to pay the full \$100 per night, not just the difference of \$22 per night.

Travel

Travel expenses are allowable costs for employees who are in travel status on official business related to the award. These costs must be reasonable and in accordance with the organization's established travel policy. In absence of an established travel policy, the organization must comply with the Federal travel regulations. See 2 C.F.R. § 200.474.

- The DOJ awarding agency reserves the right to determine the reasonableness of an organization's travel policy.
- Recipients and subrecipients must follow their own established travel policies.
- If a subrecipient does not have an established travel policy, they must abide by Federal or GovGuam travel policy including per diem rates.
- The current travel policy and per diem rate information is available at the Per Diem rates section of the U.S. General Services Administration (GSA) website.

Foreign travel is defined as any travel outside of the United States and its Territories and possessions.

- For an award recipient or subrecipient located outside Mexico, Canada and the United States and its Territories and possessions, foreign travel means travel outside that country.
- Prior approval is required for all foreign travel.

Project Site

The cost of space in privately or publicly owned buildings used for the benefit of the project is allowable subject to the conditions stated below:

- The total cost of space does not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality.
- The cost of space procured for project usage is not charged to the program for periods of non- occupancy without authorization of the grant-making component.
- The rental cost for space in a privately owned building is allowable. Rental costs may not be charged to the grant if the recipient owns the building or has a financial interest in the property. However, the cost of ownership is an allowable expense.
- Cost of ownership expenses for a publicly owned building are allowable where "rental rate"
- systems, or equivalent systems that adequately reflect actual costs, are employed.
- Ownership expenses must be determined on the basis of actual cost (including depreciation based on the useful life of the building, operation and maintenance, and other allowable costs). Where these costs are included in rental charges, they may not be charged elsewhere.
- Rental costs may not be charged for building purchases or construction originally financed by the Federal Government.
- Costs for rental of any property (to include commercial or residential real estate) owned by individuals or entities affiliated with the recipient or subrecipient for purposes such as the home office workspace, are unallowable. The cost of related utilities are also unallowable.

Printing

The cost of electronic and print media, including distribution, promotion, and general handling, are allowable. If these costs are not identifiable with a particular project or cost activity, the costs should be allocated as indirect costs to all benefiting activities of the organization.

Pursuant to the Government Printing and Binding Regulations, no project may be awarded primarily or substantially for the purpose of having material printed for the awarding agency. The Government Printing and Binding Regulations allow:

• The issuance of a project for the support of non-Government publications, provided such projects were issued pursuant to an authorization of law, and were not made primarily or substantially for the purpose of having material printed for the

awarding agency.

• The publication of findings by recipients/subrecipients within the terms of their project provided such publication is not primarily or substantially for the purpose of having such findings printed for the awarding agency.

See 2 C.F.R. § 200.461.

Publication

Guidance for publication costs is set out in 2 C.F.R. § 200.461. To be considered allowable, publication costs must be incurred for work done according to a process that the recipient has described in writing. Tis process should include writing, editing, and preparing the illustrated material (including videos). Alternatively, it may include only the internal printing requirements from the recipients/subrecipients in accordance with the terms of the project.

 DOJ has authorized any recipient or subrecipient employee to make or have made by any means available to him or her, without regard to the journal copyright and without royalty, a single copy of any such article for his or her own use.

Recipients are encouraged to make the results and accomplishments of their activities available to the public. Recipients publicizing project activities and results must adhere to the following parameters:

- Responsibility for the direction of the project activity should not be ascribed to the grant-making component.
 - The publication must include the following statement: "The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component."
 - The publication must not convey DOJ's official recognition or endorsement of the recipient's project simply based on having received funding.
 - Recipients may file a separate application with the grant-making component requesting official recognition.
- In all materials publicizing or resulting from award activities, the awarding agency assistance must be acknowledged. An acknowledgement of support shall be made through use of the following or comparable footnote:
 - "This project was supported by Award No. XXXXX awarded by the (Name of specific office/bureau), Department of Justice."
- Recipients and any subrecipients are expected to publish or otherwise make widely available to the public, as requested by the awarding agency, the results of work conducted or produced under an award.
- All publication and distribution agreements with a publisher must include provisions giving the Federal Government a royalty-free, nonexclusive, and

irrevocable license to reproduce, publish, or otherwise use and to authorize others to use the publication for Federal Government purposes (see Chapter 3.7). The agreements with a publisher should contain information on the awarding agency requirements.

- Unless otherwise specified in the award, recipients/subrecipients may copyright any books, publications, films, or other copyrightable material developed or purchased as a result of award activities. Copyrighted material will be subject to the same provisions giving the Federal Government a license as described above.
- A publication and distribution plan should be submitted to the awarding agency before materials developed under an award are commercially published or distributed.
 - The plan must include a description of the materials, the rationale for commercial publication and distribution, the criteria to be used in the selection of a publisher, and—to assure reasonable competition—the identification of firms that will be approached.
 - Recipients/subrecipients must obtain prior agency approval of this plan for publishing project activities and results when it uses Federal funds to pay for the publication.

i OJP Specific Tip

Recipients/subrecipients are permitted to display the official awarding agency logo in connection with the activities supported by the award, with the prior approval of the awarding agency. In this respect, the logo must appear in a separate space, apart from any other symbol or credit.

The words "Funded/Funded in part by DOJ" shall be printed as a legend, either below or beside the logo, each time it is displayed. Use of the logo must be approved by the awarding agency.

Duplication

If recipients/subrecipients need to duplicate less than 5,000 units of only one (1) page, or less than 25,000 units in the aggregate of multiple pages, of its findings for the awarding agency, DOJ will not consider this duplication to constitute printing primarily or substantially for the awarding agency (e.g., 5,000 copies of 5 pages, etc.).

Duplicated pages may not exceed a maximum image size of 10³/₄ by 14¹/₄ inches.

Other Allowable Costs

- Recipients can expense costs associated with software development in the period the costs are incurred, subject to the limits outlined in the budget and budget narrative.
- Recipients may not use an accelerated method to calculate depreciation without clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portion than in the later portion of its useful life.
- Post-employment benefits are allowable costs if funded in accordance with actuarial requirements.

• In accordance with 2 C.F.R. § 200.428, costs incurred by a non-Federal entity to recover improper payments are allowable as either direct or indirect cost, as appropriate.

Conference Approval, Planning and Reporting

Guidance to OJP/COPS Office grantees (including cooperative agreement recipients and subrecipients) and contractors that anticipate to conduct training sessions, meetings, or conferences, refer to Section III, Postaward Requirements 3.10 OJP/COPS Office Conference Approval, Planning, and Reporting for more detailed information. See 2 C.F.R §200.432 Conferences and also §§200.438 Entertainment costs, 200.456 Participant support costs, 200.474 Travel costs, and 200.475 Trustees.

Conferences conducted by grant recipients do not require prior approval. However, grant recipients must ensure compliance with the food/beverage, meeting room/audio-visual, logistical planner, and programmatic planner limitations and cost thresholds. (Note – if the award number does not have a "K" in the last 4 characters, then the award is a grant.)

Cooperative Agreements

Cooperative agreement recipients must receive written prior approval for all conferences. Cooperative agreement recipients may not proceed with a conference until appropriate approval has been received, must comply with the approval process regarding logistical conference planning (see section on logistical conference planning), and must keep their program manager informed of all decisions being made during the conference planning process. (Note – if there is a "K" in the last 4 characters of the award number, then the award is a cooperative agreement.)

Contracts

Contract recipients, including subrecipients, must receive written prior approval for all conferences.

Cost Thresholds

Cost thresholds and limitations are in place for the following items:

- Meeting room/audio-visual services (lesser of \$25 per day per attendee or \$20,000)
- Logistical planners (lesser of \$50 per attendee or \$8,750)
- Programmatic planners (lesser of \$200 per attendee or \$35,000)
- Food and beverage (generally not allowed)
- Refreshments (generally not allowed)

While there are exceptions to these thresholds and limitations, they are rare and require extraordinary justification as well as approval outside and above OJP/COPS Office.

17. UNALLOWABLE COSTS

Federal awards generally provide recipients and/or subrecipients with the funds necessary to cover costs associated with the award program. There are other costs, however, categorized as unallowable costs, that will not be reimbursed. Non-Federal entities must not use award or match funding for unallowable costs. Also within the category of unallowable costs are any costs considered inappropriate by the awarding agency. See 2 C.F.R. § 200.31 (Disallowed Costs).

Disallowed costs is defined as charges to a Federal award that the Federal awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award.

Land Acquisition

No Federal funds that are awarded for renting, leasing, or construction of buildings or other physical facilities shall be used for land acquisition. See 2 C.F.R. § 200.439 (b)(1).

Compensation of Federal Employees

Tis category of unallowable costs includes salary payments, consulting fees, or other compensation to full-time Federal employees.

Travel of Department of Justice (DOJ) Employees

Award funds may not be spent on transportation, lodging, subsistence, and related travel expenses of awarding agency employees.

- DOJ does consider to be allowable the travel expenses of other Federal employees, such as those persons serving on advisory committees or other program or project duties or assistance, if travel expenses have been:
- Approved by the Federal employee's department or agency; and
- Included as an identifiable item in the funds budgeted for the project or subsequently approved by the awarding agency.

Bonuses or Commissions

Recipients and subrecipients cannot pay any bonus or commission to any individual or organization to obtain approval of an application for award assistance.

Bonuses to officers or board members of for-profit or nonprofit organizations that are determined to be a profit, distribution of earnings, or fees are unallowable. See 2 C.F.R. § 200.430(g).

Some programs do not allow reimbursement for bonuses to employees.



Be sure to check the award document and, if applicable, financial clearance memorandum, to determine which salaries, fringe benefits, and other personnel costs are allowable under the specific award.

Prohibited and Controlled Equipment

This category of unallowable costs may include items that are prohibited from purchase, such as certain types of firearms and tracked armored vehicles. Other military-type equipment, such as tactical wheeled vehicles and explosives and pyrotechnics are considered "controlled" and are only allowable for purchase if a jurisdiction submits a detailed justification noting need for the equipment and documenting controls in place to prevent misuse (such as training and use protocols).

Lobbying

Recipients and subrecipients must comply with the provisions in 2 C.F.R. § 200.450 (Lobbying), as appropriate. Also, see Chapter 2.1 of this Guide for more specifics about restrictions on lobbying.

- The lobbying cost prohibition applies to all award recipients.
- Award funds cannot be used for the following purposes:
 - Attempting to influence the outcome of any Federal, State, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity;
 - Establishing, administering, contributing to, or paying for the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcome of elections;
 - Attempting to influence (a) the introduction of Federal or State legislation; or (b) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), (c) the enactment or modification of any pending Federal or state legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public, or any segment thereof, to contribute to or participate in any mass demonstration, march, rally, fund raising drive, lobbying campaign or letter writing or telephone campaign, or (d) with any Government official or employee in connection with a decision to sign or veto enrolled legislation;
 - Engaging in or supporting the development of publicity or propaganda designed to support or defeat legislation pending before legislative bodies;
 - Paying, directly or indirectly, for any personal service, advertisement, telephone, letter, printed or written matter, or other device, intended or designed to influence a member of Congress or of a State legislature to favor or oppose, by vote or otherwise, any legislation or appropriation by either Congress or a State legislature, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation;
 - Engaging in legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried out in

support of or in knowing preparation for an effort to engage in unallowable lobbying;

- Paying a publicity expert for purposes unallowable under the anti-lobbying rules; or
- Attempting to improperly influence, either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a sponsored agreement or a regulatory matter.
- The Anti-Lobbying Act, 18 U.S.C. § 1913, contains significant restrictions on the use of appropriated funding for lobbying.
 - These anti-lobbying restrictions are enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity.
 - These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352.
- All grantees must understand that no federally appropriated funding made available under the grant program may be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express approval of DOJ.
- Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. Tis prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB guidance.
- Any question(s) relating to the lobbying restrictions should be submitted in writing to the awarding agency's ethics official (typically in the awarding agency's Office of the General Counsel) through the DOJ program manager.

M. OVW Specific Tip

Recipients/subrecipients are permitted to display the official awarding agency logo in connection with the activities supported by the award, with the prior approval of the awarding agency. In this respect, the logo must appear in a separate space, apart from any other symbol or credit.

The words "Funded/Funded in part by DOJ" shall be printed as a legend, either below or beside the logo, each time it is displayed. Use of the logo must be approved by the awarding agency.

Fundraising

The costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions may not be charged as direct or indirect costs against awards. However, certain fund raising costs for the purposes of meeting the Federal program objectives may be allowable with prior approval of the DOJ awarding agency. See 2 C.F.R. § 200.442 for more details.

• The portion of a person's salary that covers time spent engaged in unallowable

fundraising, and any indirect costs associated with those salaries, may not be charged to the award.

- An organization may accept donations (e.g., goods, space, services) towards fundraising, as long as the value of the donations is not charged as a direct or indirect cost to the award.
- Nothing in this section should be read to prohibit a recipient from engaging in fundraising activities, as long as such activities are not financed by Federal or matching funds.

Corporate Formation

The cost for corporate formation (startup costs) may not be charged as either direct or indirect costs against the award except with prior approval from the awarding agency.

State and Local Sales Taxes

Taxes that a governmental unit is legally required to pay are allowable, except for self-assessed taxes that disproportionately affect Federal programs or changes in tax policies that disproportionately affect Federal programs.

- This provision becomes effective for taxes paid during the governmental unit's first fiscal year that begins on or after January 1, 1998, and applies thereafter.
- This provision does not restrict the authority of Federal agencies to identify taxes where Federal participation is inappropriate.
- Taxes from which exemptions are available to the organization directly or which are available to the organization based on an exemption afforded the Federal government when the DOJ awarding agency makes available the exemption certificates are unallowable. Where the identification of the amount of unallowable taxes would require an inordinate amount of effort, the cognizant Federal agency for indirect costs may accept a reasonable approximation thereof.

Other Unallowable Costs

- Entertainment, including amusement, diversion, social activities, and any associated costs (i.e. tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable. Certain exceptions may apply when such costs have a programmatic purpose and have been approved by the awarding agency;
- Fines and penalties (except when incurred as a result of compliance with specific provisions of an award, contract or with written approval from the awarding agency);
- Home office workspace and related utilities;
- Honoraria is unallowable when the primary intent is to confer distinction on, or to symbolize respect, esteem, or admiration for the recipient of the honorarium. A payment for services rendered, such as a speaker's fee under an award is allowable;

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- Passport charges;
- Tips;
- Bar charges/alcoholic beverages, and
- Membership fees to organizations whose primary activity is lobbying.

Costs Incurred Outside the Project Period

Any costs that are incurred either before the start of the project period or after the expiration of the project period are not allowable, unless written approval covering preagreement costs is granted by the awarding agency.

Inquiries/Questions

We are pleased to respond to any questions not covered by this *Guide* and welcome suggestions to improve.

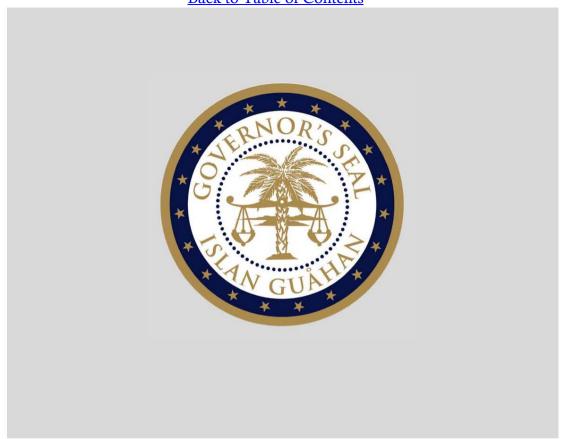
Questions regarding any of the above policies and procedures should be directed to GCO-FPO the Administrator or staff via email at gcofpo@guam.gov, or by calling 475-9162/9178/9179.

APPENDICIES

- A1. GCO-FPO PII Handbook
- A2. PII Breach Reporting Form
- A3. Acknowledgement of Notice of Statutory Requirement to Comply with Confidentiality and Privacy Provisions of the Violence Against women Act
- B. Workplace-related Incidents of Domestic Violence, Dating Violence, Sexual Violence and Stalking
- C. Unassigned
- D. Unassigned
- E. Unassigned
- F. Unassigned
- G. Unassigned
- H. Unassigned

A1. GCO-FPO PII Handbook

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Governor's Community Outreach – Federal Programs Office (GCO-FPO)

Guide for Safeguarding Sensitive Personally Identifiable Information (PII) and the Reporting Requirements to Report an Actual or Imminent Breach of PII.

July 2020

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Introduction

The Violence Against Women Act (VAWA), as amended (42 U.S.C. 13925(b)(2)) requires its grantees and its subgrantees to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking and their families by protecting the confidentiality and privacy of persons receiving services.



The Governor's Community Outreach – Federal Programs Office and its subgrantees are obligated to protect Personally Identifiable Information (PII) to prevent identity theft or other adverse consequences, such as a privacy incident, compromise, or misuse of data. GCO-FPO staff and subgrantees should exercise care when handling all PII. Protected PII (PPII), however, requires special handling due to the increased risk of harm to an individual if it is compromised. The loss or compromise of PPII can result in embarrassment, inconvenience, reputational harm, emotional harm, financial loss, unfairness, and in rare cases, a risk to personal safety.

On annual basis, GCO-FPO subgrantees must sign the Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the VAWA, as amended, and submit to GCO-FPO. See Appendix A

The VAWA requires GCO-FPO and its subgrantees to report an actual or imminent breach of personally identifiable information (PII). The Office on Violence Against Women (OVW) grant require GCO-FPO to report to OVW no later than 24 hours after an occurrence of actual breach, or the detection of an imminent breach. Subgrantees must report the occurrence of an actual breach, or the detection of an imminent breach of GCO-FPO directly no later than 12 hours after the discovery of the breach or detection of imminent breach. Subgrantee breach reporting procedures must include a requirement to report an actual or imminent breach of PII to the GCO-FPO within 12 hours, GCO-FPO will then will then in turn inform the OVW Program Manager.

GCO-FPO and its subgrantees must have written procedures in place to respond in the event of an actual or imminent breach (as defined in OMB M-17-12) if they:

- create, collect, use, process, store, maintain, disseminate, disclose, or dispose of personally identifiable information (PII) (as defined in 2 C.F.R. 200.79) within the scope of an OVW grantfunded program or activity, or
- 2) use or operate a Federal information system (as defined in OMB Circular A-130).

This guide will help GCO-FPO and its subgrantees to identify PII and PPII, and serve as the GCO-FPO policy on how to respond and report to OVW in the event of an actual or imminent breach.

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PII and PPII

Personally Identifiable Information or PII is any information that permits the identity of an individual to be directly or indirectly inferred, including any other information that is linked or linkable to that individual, regardless of whether the individual is a U.S. citizen, legal permanent resident, visitor to the U.S., or employee or contractor.

PII is a form of Protected Information, which includes, but is not limited to, PII and Protected PII.

Protected PII (PPII) is Personally Identifiable Information, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

PPII requires stricter handling guidelines because of the increased risk to an individual if the data is inappropriately accessed or compromised. Some categories of PII are sensitive as stand-alone data elements, including your Social Security number (SSN) and driver's license or state identification number. Other data elements such as citizenship or immigration status, medical information, ethnic, religious, sexual orientation, or lifestyle information, in conjunction with the identity of an individual (directly or indirectly inferred), are also PPII.

See table.

- When determining the sensitivity of PII, GCO-FPO and subgrantees should evaluate the sensitivity of each individual PII data field, as well as the sensitivity of data fields together.
 - ⇒ For example, an individual's SSN, medical history, or financial account information is generally considered more sensitive than an individual's phone number or zip code.
- PII can become more sensitive when combined with other information.
 - ⇒ For example, name and credit card number are more sensitive and when combined than apart.
 - ⇒ Generally non-PPII, such as a name, might become sensitive in certain contexts, such as on a clinic's patient list.

Context matters. This table should not be regarded as an all-inclusive list of sensitive data elements. Context is also import in determining the sensitivity of PII.

For example, a collection of names:

- Is not PPII if it is a list, file, query result of:
 - ⇒ attendees at a public meeting or
 - \Rightarrow stakeholders who subscribe to GCO-FPO distribution list
- Is PPII if it is a list, file, query result of:
 - ⇒ law enforcement personnel, such as investigators, agents, or support personnel, or
 - ⇒ employee performance ratings, or
 - \Rightarrow employees with overdue mandatory training course completions.



What is PII?

PII includes your name and your work email, address, and phone.

What is Protected PII?

TAND	ALONE	(Identifying
umbers)		

- Social Security numbers
- Driver's license, state ID
- Passport numbers
- Alien Registration numbers
- Financial account numbers
- Biometric identifiers

IN COMBINATION

- Citizenship or immigration status
- Medical information
- Ethnic or religious affiliation
- Personal email, address
- Account passwords
- Last 4 digits of the SSN
- Date of birth
 Criminal history
- Mother's maiden name

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Collecting Sensitive Information

Grant Administration

GCO-FPO must ensure, through its subgrantee monitoring practices, that subgrantees do not include PII in supporting documents for required reporting and/or for expenses and activities related to the charges claimed in a reimbursement or in the monthly contract payment request. To the greatest extent possible, the subgrantee should protect and redact PII in supporting documents before submitting to GCO-FPO. Subgrantees must exercise caution when providing any personal information necessary for GCO-FPO subgrantee monitoring purposes.

Subgrantees

By statue, a grantee or subgrantee may share personally identifying information in three specific circumstances:

- When the victim provides written, informed, and reasonably time-limited consent to the release of information ("a release");
- 2. When a statute compels that the information be released; or
- 3. When a court compels that the information be released.

Releases must be written, informed, reasonably time limited, and signed by the victim or, if appropriate, a parent or guardian. Grantees and subgrantees may not use a blanket release and must specify the scope and limited circumstances of any disclosure. At a minimum, grantees and subgrantees must:

- Discuss with the victim why the information might be shared, who would have access to the information, and what information could be shared under the release:
- Reach agreement with the victim about what information would be shared and with whom;
- Record the agreement about the scope of the release.

The release must specify the duration for which the information may be shared.

If a statute or court compels the release of information, the grantee or subgrantee releasing the information must (1) make reasonable attempts to provide notice of the release to affected victims and (2) take steps necessary to protect the privacy and safety of persons affected by the release.

Subgrantees shall refrain from providing GCO-FPO personally identifying information, except in cases required by the Department of Administration – Accounting Division (DOA) for the purposes of establishing a vendor account with the Government of Guam. GCO-FPO will not be responsible should DOA experience an actual or imminent breach.

Personally identifiable information shall also be protected when conducting activities with volunteers or procuring services with vendors and/or contractors.

Subgrantees must use the Fair Information Practice Principles as a guideline to determine how to collect and share PII while considering individual privacy. These guidelines include transparency, participation of the individual whose information is being collected, specifying the purpose for collecting and using the information, minimizing the data that is being collected, limiting the use of the data, ensuring data quality and integrity, having security safeguards, and demonstrating

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Guide for Safeguarding Sensitive Personally Identifiable Information (PII) and the Reporting Requirement to Report Actual or Imminent
Breach of PII

accountability when collecting personal information. Best practices exist that allow the sharing of information while ensuring privacy. ¹

Subgrantee Breach Response Plan / Procedures & Reporting Requirements

The subgrantee's breach procedures must include a requirement to report actual or imminent breach of PII to GCO-FPO no later than 12 hours after an occurrence of an actual breach, or the detection of an imminent breach.

Subgrantees must ensure that contract terms necessary for the entity to respond to a breach are included in contracts when a contractor collects or maintains entity information on behalf of the entity or uses or operates an information system on behalf of the agency.² To the extent that a cooperative agreement³ or other such instrument requires another organization or entity to perform such functions on behalf of the agency, the agency must similarly ensure that such cooperative agreements and instruments include the following components.

Breach Response Team

The subgrantee agency or the community-based organization (CBO) grant administrator must be a member of the subgrantee's Breach Response Team. The Breach Response Team is responsible for:

- 1. Reporting of the breach or suspected breach to the agency/CBO director and GCO-FPO.
- Informing clients/persons affected that their PII has been breached, and what steps they should take to protect their information (informing banks, credit card companies, IRS (if SSN is breached), etc.) and any steps being taken by the agency/CBO to protect the person(s) whose information has been breached.

Discovery of Breach or Potential Breach

Any subgrantee employee or volunteer who discovers or suspects that PII or PPII may have been breached in any way is REQUIRED to report that actual or suspected breach of PII or PPII to a member of the agency/CBO's Breach Response Team. The initial notification must happen no later than 12 hours after an occurrence of an actual breach, or the detection of an imminent breach. The 12-hour notification should occur via a phone call, in person, or via email. A member of the Breach Response Team must in turn immediately, or as soon as possible, notify GCO-FPO. GCO-FPO will in turn, as soon as possible and within 24 hours, inform our OVW Program Manager via email of the breach/possible breach.

A written report on agency/entity letterhead detailing the breach or suspected breach should be submitted to GCO-FPO within 24 hours of discovery. This report should include any information about the data, technology or equipment that was breached or suspected of having been breached, lost, stolen, or otherwise missing.

Identify Applicable Privacy Compliance Documentation

The subgrantee agency or organization suspecting a breach should review all applicable agency privacy compliance documentation to help identify the information that was potentially compromised and an experimental components of the components of

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 $^{^{1}}$ NNEDV, Why Privacy and Confidentiality Matters for Victims of Domestic and Sexual Violence

² 44 U.S.C. § 3553(a)(l)(A)

³31 U.S.C. § 6305.

the population of individuals potentially affected by the breach. Privacy notices should be accurate and up-to-date.

Information Sharing to Respond to a Breach

If the agency or entity needs additional information to reconcile or eliminate duplicate records in response to a breach, identify potentially affected individuals, or obtain contact information in order to provide notification, the agency must consider whether any information that must be shared is consistent with current data use agreements, or whether the information sharing will require new data use agreements or information exchange agreements. The agency must also ensure that any new PII gathered is protected from additional breaches. Subgrantee must cooperate with regard to the exchange of information with GCO-FPO and with Federal Awarding agency officials, as needed, to properly refer and respond to a breach.

Reporting Requirements

Upon evaluation of the breach by the agency or entity's Breach Response Team, the agency shall, if necessary, notify law enforcement officials of the breach, and if necessary, notify other oversight entities that will need to be apprised of the breach incident. When a breach warrants a report to law enforcement, the agency/CBO shall ensure that the report is promptly submitted, even if the breach is unconfirmed or if circumstances are unclear. Prompt referral to law enforcement can prevent PII from being further compromised and in some cases reduce the risk of harm to potentially affected individuals.

Assessment of Risk of Harm to Individuals Potentially Affected by a Breach

The Breach Response Team shall also, as soon as possible after the 12-hour notification to the agency head and GCO-FPO, conduct and document an assessment of the risk of harm to individuals potentially affected by a breach. This assessment must include the factors being considered when assessing the risk, such as the amount and type of information that was breached, and consideration of any potential harm that could result from the breach, such as breach of confidentiality, fiduciary responsibility, potential for blackmail, disclosure of private facts, mental pain and emotional distress, financial harm, disclosure of contact information for victims of abuse, the potential for secondary uses of information which could result in fear or uncertainty, humiliation, or loss of self-esteem for the client

Additionally, the federal Privacy Act of 1974 requires agencies to protect against any anticipated threats or hazards to the security or integrity of records that could result in "substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained, as well as risks to the agency, agency information systems, programs and operations."

The following factors should be considered when assessing risks relevant to the breach:

- Nature and sensitivity of the PII potentially compromised by the breach;
- Likelihood of access and use of the PII;
- Type of breach (including circumstances of the breach, actors (if known) and their intent (if known)).

Mitigating Risk of Harm to Individuals Potentially Affected by a Breach

Once the breach is assessed, the Breach Response Team shall consider and take action to best mitigate the identified risks to clients or individuals whose PII may have been compromised.

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The team is responsible for advising the head of the agency or CBO, and the agency's IT team, if applicable, on whether to take countermeasures (such as changing passwords or placing an alert in a database containing potentially compromised PII), offer guidance (on setting up fraud alerts to a bank account, putting a freeze on a credit card, etc.), or provide services (such as credit monitoring) to individuals potentially affected by the breach.

Notifying Individuals Potentially Affected by a Breach

The Breach Response Team and the agency or CBO head must decide, depending on the circumstances of the breach, on when to notify individuals potentially affected by a breach. Ultimately, the decision of when and how to notify individuals of a breach of PII or a potential breach rests with the head of the agency or CBO.

With regard to notification, the need for transparency must be balanced with concerns about overnotification. Notification of the public about a breach may not always be helpful and may in fact bring undo attention to individuals who are recipients of services provided by the STOP or SASP grants.

In circumstances where the information involved in the breach is subject to other requirements (for example the Health Insurance Portability and Accountability Act (HIPAA), appropriate subject matter experts should be brought in as part of the Breach Response Team.

Any notification should consider the following:

- Source of the notification, including the person from the agency designated to notify the individuals potentially affected by the breach;
- Timeliness of the notification (delays may cause undo harm to the individual emotionally, financially, or otherwise)
- Contents of the notification
- Method of notification (depending on the circumstances of the breach)
- Special considerations (tailoring notifications to specific populations, how to notify those visually or hearing impaired, etc.)

Tracking and Documenting Breach Response

Subgrantees are required to formally track and document each breach that is reported to the agency or CBO, through a standard internal reporting template. A reporting template is attached for your consideration (Appendix B). This formal documentation serves to ensure that notification and any mitigation steps occur in a timely manner, and should include the status of the breach and its outcome.

Failure to Report Breach or Potential Breach

Any subgrantee employee or volunteer who fails to notify a member of his/her organization/CBO's Breach Response Team after having learned of a breach or suspected breach may be subject to subgrant award suspension or termination, as appropriate.

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Definitions

Breach

OMB M-17-12

The loss of control, compromise, unauthorized disclosure, unauthorized acquisition, or any similar occurrence where (1) a person other than an authorized user accesses or potentially accesses personally identifiable information or (2) an authorized user accesses or potentially accesses personally identifiable information for an other than authorized purpose.

Community-Based Organization

A nonprofit, nongovernmental, or tribal organization that serves a specific geographic community that –

- (A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;
- (B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;
- (C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or
- (D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

For the purposes of this document, a community-based organization is interchangeably known as a STOP and/or SASP subgrantee that is a nongovernmental organization and/or a non-profit organization.

Contractor

2 C.F.R. § 200.23

An entity that receives a contract.

2 C.F.R. § 200.22

A legal instrument by which a non-Federal entity purchases property or services to carry out the project or program under a Federal award. The term as used in this part does not include a legal instrument, even if the non-Federal Entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward.

Incident OMB M-17-12

An occurrence that (1) actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system; or (2) constitutes a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies.

Means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide-

- (A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;
- (B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and
- (C) availability, which means ensuring timely and reliable access to and use of information.

Pass-through Entity

2 C.F.R. § 200.74

A non-Federal entity that provides a subaward to a subrecipient (subgrantee) to carry out part of a Federal program.

For the purposes of this document, the pass-through entity is also known as the Governor's Community Outreach - Federal Programs Office, the State Administering Agency for the STOP and SASP Formula Grant Awards.

Personally Identifiable Information (PII)

2 C.F.R. § 200.79

PII means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public Web sites,

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and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual.

Protected Personally Identifiable Information (Protected PII)

2 C.F.R. § 200.82

Protected PII means an individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, educational transcripts. This does not include PII that is required by law to be disclosed.

Subaward 2 C.F.R. § 200.9

An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal Award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

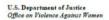
Termination 2 C.F.R. § 200.95

The ending of a Federal award, in a whole or in part at any time prior to the planned end of period of performance. For the purposes of this section, the term federal award is in reference to subrecipient, subgrantee (governmental or CBO).

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Appendix A

Certification of Compliance with VAWA Statutory Requirements





Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended

Under section 40002(b)(2) of the Violence Against Women Act, as amended (42 U.S.C. 13925(b)(2)), grantees and subgrantees with funding from the Office on Violence Against Women (OVW) are required to meet the following terms with regard to nondisclosure of confidential or private information and to document their compliance. By signature on this form, applicants for grants from OVW are acknowledging that that they have notice that, if awarded funds, they will be required to comply with this provision, and will mandate that subgrantees, if any, comply with this provision, and will enable that occumentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

(A) In general In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure

(i) irontations of the subparagraphs (C) and (D), grantees and subgrantees shall not—
(i) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or (ii) disclose, reveal, or release individual client information without the informed, written,

reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

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Governor's Community Outreach - Federal Programs Office (GCO-FPO) Administrative & Subgrantee Guide

Governor's Community Outreach-Federal Programs Office (GCO-FPO) Guide for Safeguarding Sensitive Personally Identifiable Information (PII) and the Reporting Requirement to Report Actual or Imminent

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

(C) Release

If release of information described in subparagraph (B) is compelled by statutory or court mandate

- (i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and
 (ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the
- persons affected by the release of the information.

- (D) Information sharing
 (i) Grantees and subgrantees may share—
 (I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State,
- tribal, or territorial reporting, evaluation, or data collection requirements; (II) court-generated information and law enforcement-generated information contained in secure,
- governmental registries for protection order enforcement purposes; and (III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

 (ii) In no circumstances may—
- (II) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee; (II) any personally identifying information be shared in order to comply with Federal, tribal, or
- State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.

(E) Statutorily mandated reports of abuse or neglect

Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

(F) Oversight

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals

(G) Confidentiality assessment and assurances Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

1

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As the duly authorized representative of the applicant, I bereby acknowledge that the applicant has received in that if awarded funding they will comply with the above statutory requirements. This acknowledgement shall trated as a material representation of fact upon which the Department of Justice will rely if it determines to a the covered transaction, grant, or cooperative agreement.		
Typed Name of Authorized Representative	Title	
Telephone Number		
Signature of Authorized Representative	Date Signed	
Agency Name		

2

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Appendix B

Reporting Template



Personally Identifiable Information

Actual or Imminent Breach Reporting Form

1. Breach Reported by:		
Agency:		
Name:	Supervisor:	
Email:	Email:	
Phone:	Phone:	

Name:	Name:	
Email:	Email:	
Phone:	Phone:	
Name:	Name:	
Email:	Email:	
Phone:	Phone:	
Name:	Name:	
Email:	Email:	
Phone:	Phone:	

3. Breach Summary:	
Date and Time of Breach:	
Location Breach:	
Do not include PII or classified info loss, or compromise of PII as curr	ormation. Summarize the facts of circumstances of the theft, ently known, including:
a. A description of the parties in	volved in the breach;
The physical or electronic stor	age location of the information at risk;

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C.	If steps were immediately taken to contain the breach;
d.	Whether the breach is an isolated occurrence or a systematic problem;
e.	Who conducted the investigations of the breach, if applicable; and
f.	Any other pertinent information.

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Lost Information or Equipment		Unauthorized Disclosure	
Stolen Information or Equipment		Unauthorized Access	
Unauthorized Equipment (e.g., using an unauthorized personal device, server, or email account to store PII)		Unauthorized Use (e.g., employee with agency-authorized access to database or file accesses and uses information for personal purposes rather than for official purposes)	
		rane dan or officer perposes	-
5. Storage Medium:			
Laptop or Tablet		Smartphone	
Desktop	-H	Paper files	H
External Storage Device		External Storage Device (e.g., CD, DVD, USB Drive, etc.)	
IT System (Intranet/Shared Drive)		Oral Disclosure	П
Email:		Ordi Disclosure	
Type of Breached Personal Information:			
Other:			
6. Reported to			
6. Reported to 1. Agency Name:			
6. Reported to			
6. Reported to 1. Agency Name: Name:			
6. Reported to 1. Agency Name: Name: Title:			
6. Reported to 1. Agency Name: Name: Title: Email:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name: Title: Email: Phone:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name: Title: Email:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name: Title: Email: Phone:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name: Title: Email: Phone: Date and time of the report:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name: Title: Email: Phone: Date and time of the report: 3. Agency Name:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name: Title: Email: Phone: Date and time of the report: 3. Agency Name: Name: Name:			
6. Reported to 1. Agency Name: Name: Title: Email: Phone: Date and time of the report: 2. Agency Name: Name: Title: Email: Phone: Date and time of the report: 3. Agency Name: Name: Title: Title: Title: Title: Date and time of the report: Title: Ti			

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	Stand Alone Ide	atifuing Numb	.orr	
	Stand Alone Ide	nurying Numt A	ers	
Social Security number		Driver's lice	nse,	state ID numbers
Passport numbers		Alien Registr		
Financial account numbers		Biometric id		
When Stand Alone in	formation is used i	n combination	with	any of the following:
	Biographical	Information	,	
		В		
Name (including nicknames)	Gender			Race
Date of Birth (Day, Month, Year)	Ethnicity			Nationality
Country of Birth	City or County	of Birth		Marital Status
Citizenship	I to a single time Chi			Religion/Religious
Citizenship	Immigration Sta	atus	ш	Preference
Home Address	Zip Code			Home Phone or Fax Number
Spouse Information	Sexual Orientat	ion		Children Information
Group/Organization Membership	Military Service	Information		Mother's Maiden Name.
Business Mailing Address	Business Phone	or Fax Numb	er	Global Positioning System
(sole proprietor)	(sole proprietor)			(GPS)/Location Data
Personal e-mail address.	Business e-mail	address		Employment Information.
Education Information.	Resume or curriculum vitae			Professional/personal references
Biomet	rics/Distinguishin	g Features/Ch	arac	cteristics
Fingerprints	Palm prints		П	Vascular scans
Retina/Iris Scans	Dental Profile			Scars, marks, tattoos
Hair Color	Eye Color			Height
Video Recording	Photos		\Box	Voice/Audio Recording
DNA Sample or Profile	Signatures		己	Weight
	Medical/Emerge	ency Informat	ion	
		D		
Medical/Health Information	Mental Health	Information		Disability Information
Workers' Compensation	Patient ID Num	har		Emergency Contact
Information				Information
	Device In	formation E		
Device settings or preferences	Cell tower reco	rds		Network communications
(e.g., security level, sharing options,	(e.g., logs, user locati			data
ringtones)	Specific Informa	30 M 3 J 2 J 2 J 2 J 2 J 2 J 2 J 2 J 2 J 2 J	nes	
	Specific informe	F FIETY	ucs.	
Taxpayer Information/Tax	Law Enforceme	nt		Security
Return Information	Information	1010		Clearance/Background Check Information
Civil/Criminal History	Academic and F	rofessional		
	The state of the s			Health Information
Information/Police Record	Background Inf	ormation.	\Box	

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8. FOR GCO-FP	USE ONLY		
Staff Receiving this	Report:		
Name:			
Email:			
Phone:			_
Date and time repo	t received:		
Reporting to Grant			
Reported to Grantor Agency and Agency Name:			
Name:			
Method:	Email	Phone	
Date and time:			_
Information reported:			

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Action to be taken:	
Notes for subgrantee & follow-up:	
9. Grantor Appro	ved Status Closure:
Approved by:	Date and time:
Documentation on hand:	Cross filed: (e.g., project and mother folder)
10. GCO-FPO Ce	rtification (Certify when matters have been fully closed and/or resolved)
Administrator Sig	nature:
Date:	

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A2. PII Breach Reporting Form Back to Table of Contents



Governor's Community Outreach - Federal Programs Office

Reporting Form on Actual or Imminent Breach of PII or PPII

1. Breach Reported by:					
Agency:					
Name:	Supervisor:				
Email:	Email:				
Phone:	Phone:				
2. Breach Response Team:					
NEWS	News				
Name:	Name:				
Email:	Email:				
Phone:	Phone:				
Name:	Name:				
Email:	Email:				
Phone:	Phone:				
Name:	Name:				
Email:	Email:				
Phone:	Phone:				
3. Breach Summary:					
Date and time of breach:					
Location of breach:					

Do not include PII or classified information. Summarize the facts of circumstances of the theft, loss, or compromise of PII or PPII as currently known, including:

A description of the parties involved in the breach;

GCO-FPO Reporting Form on Actual or Imminent Breach of PII or PPII	Page 2 of 6
b. The physical or electronic storage location of the information at risk;	
c. If steps were immediately taken to contain the breach;	
d. Whether the breach is an isolated occurrence or a systematic problem;	
e. Who conducted the investigations of the breach, if applicable; and	
f. Any other pertinent information.	

GCO-FPO
Reporting Form on Actual or Imminent Breach of PII or PPII

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4. Type of Breach:						
Lost Informat	ion or Equipment		Unauthorized Disclosure			
Stolen Information or Equipment			Unauthorized Access			
Unauthorized Equipment (e.g., using an unauthorized personal device, server, or email account to store PII)			Unauthorized Use (e.g., employee with agency-authorized access to database or file accesses and uses information for personal purposes rather than for official purposes)			
5. Storage Me	edium:					
Laptop or Tab	let		Smartphone			
Desktop			Paper files			
External Stora	ige Device		External Storage Device (e.g., CD, DVD, USB Drive, etc.)			
IT System (Intra	anet/Shared Drive)		Oral Disclosure			
Email:						
Breached Personal Information:	Personal					
6. Reported t	0					
1. Agency Name:						
Name:						
Title:						
Email:						
Phone:						
Date and time	of the report:					
2. Agency Na	me:					
Name:						
Title:						
Email:						
	Phone:					
Date and time of the report:						
3. Agency Na	me:					
Name:						
Title:) 0 00000					
Email:						
Phone:						
Date and time	of the report:					

GCO-FPO
Reporting Form on Actual or Imminent Breach of PII or PPII

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7. Data Elements and Information Types [select all that apply]							
S	tand Alone Identifying Numbers ((A)					
☐ Social Security number ☐ Driver's license, state ID numbers							
☐ Passport numbers	☐ Passport numbers ☐ Alien Registration numbers						
☐ Financial account numbers ☐ Biometric identifiers							
When Stand Alone in	formation is used in combination wit	h any of the following:					
Biographical Information (B)							
Name (including nicknames)	Gender	Race					
Date of birth (Day, Month, Year)	L Ethnicity	■Nationality					
Country of birth	City or county of birth	☐ Marital status					
Citizenship	Immigration status	Religion/religious preference					
☐ Home address	☐ Zip code	Home phone or fax number					
☐ Spouse information	Sexual orientation	Children information					
☐ Group/organization Membership	☐ Military service information	☐ Mother's maiden name					
☐ Business mailing address	Business phone or fax	☐Global positioning system					
(sole proprietor)	number (sole proprietor)	(GPS)/location data					
Personal e-mail address	Business e-mail address	☐ Employment information					
☐ Education information ☐ Resume or curriculum vitae		☐ Professional/personal references					
Biometrics/Distinguishing Features/Characteristics (C)							
☐ Fingerprints ☐ Palm prints ☐ Vascular scans							
☐ Retina/iris scans	☐ Dental profile	☐Scars, marks, tattoos					
☐ Hair color	☐ Eye color	☐Height					
☐ Video recording	Photos	☐Voice/audio recording					
☐ DNA sample or profile	Signatures	□Weight					
N	/ledical/Emergency Information (D)					
☐ Medical/health information	☐ Mental health information	☐ Disability information					
☐ Workers' compensation	☐ Patient ID number	☐ Emergency contact					
information		information					
	Device Information (E)						
Device settings or	Cell tower records	☐ Network communications					
preferences (e.g., security level, sharing options, ringtones)	(e.g., logs, user location, time, etc.)	data					
Specific Information / File Types (F)							
☐Taxpayer information/tax	☐ Law enforcement	Security					
return information	information	clearance/background check					
Tetalii iiioiiiiatioii	iniorniauon	information					
☐Civil/criminal history	☐Academic and professional						
information/police record	background information.	☐Health information					
☐Case files	☐Credit history information.						

NOTE: Data elements and information types indicated above should not be regarded as an all-inclusive list of PII, PPII or sensitive data elements.

Certification (Signature options: A. Wet or B. Electronic/digital)

GCO-FPO
Reporting Form on Actual or Imminent Breach of PII or PPII

8. SUBGRANTEE CERTIFICATION

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	lty of perjury to the U.S. Dep	artment o	f Justice and t	he Laws of Guam, i	that the information p	provided here is true
	est of my knowledge.	1	В			
Α.			B			
9. GCO-FPO U	SE ONLY					
Report to Gra						
1. Name:	12-2-2					
Email:						
Phone:						
Date, time and	d method report sen	t:				
2. Name:					1	
Email:						
Phone:						
Date, time and	d method report sent	t:				
3. Name:				* 1		
Email:						
Phone:						
Date, time and	d method report sen	t:				
Comments/inf	formation reported:					
Recommende	d actions:					

GCO-FPO

Date:

n on Actual or Imminent Breach of PII or PPII	000						Page 6 of 6
10. GCO-FPO USE ONLY (continue	ed)						
Staff							
Name:							
Email:							
Phone:							
Date, time and method report re	eceived:						
Date, time and method report made to adm	inistrator:						
Comments:							
Certification (Signature options: A. Wetor I certify under penalty of perjury to the U.S. Land correct to the best of my knowledge. A.			nd the Laws of G	uam, th	nat the information	provid	ied here is true
11. Administrator							
Name:							
Email:							
Phone:							
Date, time and method report re	ceived:	1					
Date, time and method report made to		1					
Comments:							
Certification (Signature options: A. Wet or E. I certify under penalty of perjury to the U.S. E. and correct to the best of my knowledge.				uam, th	at the information	provid	ded here is true
Α.			В.				
12. Miscellaneous							
☐ Grantor Receipt acknowledge	ment	☐ Gra	ntor closed	(Date o	f closure:)
☐ Subgrantee notified of closure	e	☐ File	d (mother)		☐ Filed (sub	gran	tee folder)

A3. Confidentiality and Privacy Provisions of the VAWA Back to Table of Contents

U.S. Department of Justice
Office on Violence Against Women



Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended

Under section 40002(b)(2) of the Violence Against Women Act, as amended (42 U.S.C. 13925(b)(2)), grantees and subgrantees with funding from the Office on Violence Against Women (OVW) are required to meet the following terms with regard to nondisclosure of confidential or private information and to document their compliance. By signature on this form, applicants for grants from OVW are acknowledging that that they have notice that, if awarded funds, they will be required to comply with this provision, and will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

(A) In general

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

- (i) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or
- (ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

(C) Release

If release of information described in subparagraph (B) is compelled by statutory or court mandate—

- (i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and
- (ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Information sharing

- (i) Grantees and subgrantees may share—
- (I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;
- (II) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and
- (III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.
- (ii) In no circumstances may—
- (I) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;
- (II) any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.

$(E) \ \textbf{Statutorily mandated reports of abuse or neglect} \\$

Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

(F) Oversight

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

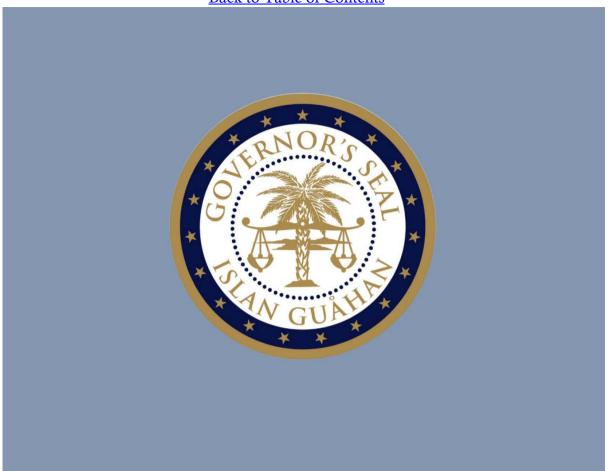
(G) Confidentiality assessment and assurances

Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

Governor's Community Outreach – Federal Programs Office (GCO-FPO) Administrative & Subgrantee Guide

As the duly authorized representative of the applicant, I hereby acknowledge that the applicant has received notic that if awarded funding they will comply with the above statutory requirements. This acknowledgement shall be treated as a material representation of fact upon which the Department of Justice will rely if it determines to awar the covered transaction, grant, or cooperative agreement.				
Typed Name of Authorized Representative	Title			
Telephone Number_	-			
Signature of Authorized Representative	Date Signed			
Agency Name				

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Governor's Community Outreach – Federal Programs Office (GCO-FPO)

Workplace Policy on Domestic Violence, Dating Violence, Sexual Violence, and Stalking

November 2020 V1.1

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1. Purpose

The Governor's Community Outreach - Federal Programs Office (GCO-FPO) institutes this policy as part of its commitment to a safer and more supportive organizational climate and to the prevention and reduction of the incidence and effects of domestic violence, sexual violence, dating violence and stalking [hereinafter "violence"] at the workplace. GCO-FPO recognizes that domestic violence, sexual violence, dating violence and stalking present unique issues for its subgrantees, their employees, and the victims they serve.

Domestic violence, sexual violence, dating violence and stalking are workplace issues even if incidents occur elsewhere. Domestic violence, sexual violence, dating violence and stalking cross economic, educational, cultural, age, gender, racial, and religious lines and occur in a wide variety of contexts. Therefore, the organization will take every appropriate measure to prevent and/or address such violence in the context of:

- Subordinate/superior relationships;
- Heterosexual and same-sex intimate partner relationships, including marital, cohabiting, or dating;
- Heterosexual or same sex non-intimate partner relationships, such as between coworkers;
- Parent/child relationships; and
- Violent acts of others that could potentially occur within the workplace.

The purposes and goals of this policy are to:

- 1. Support a comprehensive workplace education and training program to prevent violence and promote healthy relationships for employees and their families;
- Create a supportive and healthful work environment that helps employees to avoid the use of violence in any context;
- 3. Institutionalize responsive policies and procedures to assist employees who are impacted by violence, including the provision of training on this policy to employees and management;

2. Definitions

Survivor or victim

An individual who is currently subject to, or has in the past been subjected to, domestic violence, sexual violence, stalking or other forms of violence.

Perpetrator

An individual who commits or threatens to commit an act of domestic violence, sexual violence, or stalking, including unwarranted violence against animals.

Domestic Violence

Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, or person with whom the perpetrator shares a child in common. Domestic violence includes, but is not limited to: physical violence, injury, or

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intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; or economic abuse and control.

Dating Violence

Dating violence refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Sexual Violence

Sexual violence is a range of behaviors, including but not limited to: sexual harassment; a completed nonconsensual sex act (i.e., rape); an attempted nonconsensual sex act; abusive sexual contact (i.e., unwanted touching); and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Some or all of these acts may also be addressed in 4GCA Article 7: Reports of Sexual Harassment by Non-Classified Employees. Sexual violence is any sexual act or behavior that is perpetrated against someone's will when someone does not or cannot consent. Survivors of sexual violence may know the perpetrator(s), such as a coworker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the survivor. Consent is not given when a perpetrator uses force, harassment, threat of force, threat of adverse personnel action, coercion, or when the survivor is asleep, incapacitated, or unconscious.

Stalking

Stalking refers to harassing, intimidating or threatening conduct that causes the survivor to fear for his or her safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for his or her safety. Stalking conduct includes, but is not limited to: following or spying on a person; appearing at a person's home or work; engaging in unwanted, harassing, or threatening phone calling, emailing, texting, etc.; waiting at places in order to make unwanted contact with the survivor or to monitor the survivor; leaving unwanted items, presents, or flowers for the survivor; and posting information or spreading rumors about the survivor on the internet, in a public place, or by word of mouth. Stalking may occur through use of technology including, but not limited to: email; voicemail; text messaging; and use of GPS and social networking sites.

Protection or Restraining Order

Protection orders, sometimes called restraining orders or stay away orders, allow a survivor to petition the court for protection from a perpetrator, as well as establish custody and visitation guidelines and provide for other forms of support, like rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release particularly in a domestic violence, sexual violence, dating violence, or stalking related crime. In addition, some states have enacted laws that allow employers to apply for protection orders to prevent violence, harassment, or stalking of their employees.

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Workplace-Related Incidents

Workplace-related incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety or well-being of any person associated with an employee of GCO-FPO, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in, or utilizing the resources of the employer, including but not limited to facilities, work sites, equipment, or vehicles, while teleworking, or while on work-related travel.

Non-Workplace Incidents

Non-workplace incidents of domestic violence, sexual violence, dating violence, and stalking include acts, attempted acts, or threatened acts by or against any person or animal that occur anywhere outside a company's physical workplace, and/or while an employee is not engaged with or traveling for the employer.

Workplace Safety Plan

A strategy developed in collaboration with a victim and victim service provider to implement workplace safety options, including but not limited to: handling of court protection orders; procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, locations, contact information, change in parking spots, and requests for escorts to and from workplace facilities.

3. Persons Covered by this Policy

Persons covered by this policy include full and part-time employees, interns, contractors, volunteers, or temporary workers engaged by GCO-FPO or any of its subgrantees or in any workplace location.

4. Statement of Confidentiality

GCO-FPO recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. GCO-FPO shall maintain the confidentiality of an employee's disclosure regarding violence to the extent allowed by law, and unless to do so would result in physical harm to any person, and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace, GCO-FPO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others, and to comply with the law. GCO-FPO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. GCO-FPO shall also provide the employee with the name and title of the person to whom GCO-FPO intends to share the employee's statements, and shall explain the necessity and purpose regarding said disclosure.

5. Employer Responses to Violence

A. Responses to Victims

1. Non-Discrimination and Non-Retaliation

GCO-FPO will not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of domestic violence, sexual

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violence, or stalking, if the victim provides notice to the organization of the status, or the organization has actual knowledge of the status.

GCO-FPO will not retaliate against a victim of domestic violence, sexual assault, or stalking for requesting leave or a reasonable accommodation (see Section 5(A)(ii)), regardless of whether the request was granted.

2. Leave and Other Reasonable Accommodations and Assistance

GCO-FPO recognizes that victims of domestic violence, sexual assault, stalking and dating violence may need time off to obtain or attempt to obtain a protection or restraining order or any other legal assistance to help ensure his or her health, safety, or welfare or that of his or her child. GCO-FPO will work in collaboration with the employee to provide reasonable and flexible leave options when an employee or his or her child is a victim of domestic violence, sexual assault, and/or stalking. GCO-FPO will work with the employee to provide paid leave first before requiring an employee to utilize unpaid leave.

An employee must provide reasonable advance notice to the employer of the need to take time off unless advance notice is not feasible. GCO-FPO may require the employee to provide documentation or other certification verifying that the employee was a victim of violence. To request leave, the employee should contact her or his supervisor.

GCO-FPO will maintain the confidentiality of a person who requests leave under this policy, to the extent allowed by law.

GCO-FPO will also provide reasonable accommodations for a victim of domestic violence, sexual violence, or stalking who requests an accommodation for the safety of the victim or to maintain his or her work performance while at work. Reasonable accommodations may include the implementation of safety measures, include a transfer (of either the victim (upon request) or of the alleged perpetrator), reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting the violence that occurs in the workplace, an implemented safety procedure, another adjustment to a job structure, workplace facility, or work requirement in response to the violence, or referral to a victim assistance organization. GCO-FPO will assist an employee to enforce his or her protection order, if applicable.

3. Access to Unemployment Insurance Benefits

GCO-FPO recognizes that in certain situations it is no longer feasible for an employee who is a victim of violence to continue working for her or his employer. In such circumstances, GCO-FPO shall provide to employee information regarding access to unemployment insurance benefits. GCO-FPO administrator is the designated admin to provide accurate information regarding unemployment benefits for victims of violence.

4. Work Performance

GCO-FPO recognizes that employees who are victims of violence may experience temporary difficulty fulfilling job responsibilities. If GCO-FPO becomes aware that an employee's work performance or conduct has been impacted by domestic

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violence, sexual assault, and stalking, GCO-FPO will offer support to the employee and work in collaboration with the employee to address the issues, in accordance with established policies within the workplace. GCO-FPO may develop a work plan with employee, provide leave and other accommodations as specified in Section 5(A)(ii), provide referrals to support or advocacy agencies, advise employee of his or her rights regarding unemployment insurance as specified in Section 5(A)(iii), and maintain a separate and confidential record of employee's status as a victim of domestic violence, sexual assault, and stalking to ensure to victim that his or her rights and privileges of employment are not impacted or compromised as a result of the violence.

5. Protection and Restraining Orders

GCO-FPO recognizes that a victim of violence may seek an order of protection, or may receive a protection or restraining order, as part of his or her efforts to become safe and as part of his or her workplace safety plan. GCO-FPO recognizes that the workplace may or may not be included on an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protection or restraining order to GCO-FPO or one of its subgrantees, GCO-FPO or the subgrantee may, wherever possible, assist the employee to enforce his or her order, shall archive said order in a confidential and separate file from employee's personnel file, and, if applicable, may assist employee to gather documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

B. Reporting by Employees with Information About Violence

Employees who have information about or witness an act of violence perpetrated by an employee, or who have information about or witness violence against an employee, are required to report all information to the designated person at GCO-FPO or the subgrantee organization.

GCO-FPO and/or its subgrantees will not retaliate against, terminate, or discipline any employee for reporting information about alleged incidents of violence, as defined in this policy that may have been committed by any other employee, including a member of management. Prohibited acts of retaliation include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation, such as those related to an employee's immigration status or sexual orientation, for example.

Any employee who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy should contact the GCO-FPO administrator. See Section 7 regarding reporting of violations of this policy.

C. Responses to Workers Who Commit Violence

If GCO-FPO or one of its subgrantees receives information that alleges or suggests that an employee has committed an incident of workplace-related or non-workplace violence, as defined in this Policy, or if any manager receives information that any employee has engaged in any incident of workplace-related or non-workplace violence, then the matter shall be referred to the designated executive for the purpose of investigating the information or allegation. GCO-FPO or the subgrantee shall conduct an immediate investigation of the information or allegation, which investigation shall

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be completed within 45 days of receipt of the information or allegation concerning the alleged incident of violence.

Every employee shall have a duty to cooperate with the investigation, and failure to do so will result in disciplinary action being taken against the uncooperative employee up to and including termination. Additionally, every employee has the duty to be truthful and must disclose all information known to the employee when requested to do so by an appropriate person in the organization or the person designated by the organization to investigate an alleged incident of violence. Any employee who fails to be completely truthful or who withholds information shall be subject to disciplinary action up to and including termination.

At the conclusion of the investigation conducted by GCO-FPO or a subgrantee, the investigator shall report her or his findings to the designated official. If the investigator concludes, by a preponderance of the evidence, that the employee has engaged in a workplace-related incident or non-workplace incident, as defined in this Policy, then that employee shall be subject to disciplinary action up to and including termination. The employee might also be required to participate in counseling or other remedial measures. Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, fax machines or other means to threaten, harass, intimidate, embarrass or otherwise harm another person.

An employee who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of domestic violence, sexual violence, or stalking must notify the GCO-FPO or its subgrantee's Human Resources Department or HR administrator immediately regarding the existence of such criminal or civil action. Failure to disclose the existence of such criminal or civil actions in these circumstances will result in disciplinary action, up to and including termination from employment.

6. Reporting by Employees Who are Victims

Employees who are victims of domestic violence, sexual assault, and stalking, and employees who are concerned about coworkers who might be victims are encouraged to provide a report to GCO-FPO or the subgrantee agency at which the employee works. GCO-FPO has designated the GCO-FPO Administrator as the person to whom such reports should be made. The GCO-FPO Administrator or the designated subgrantee person shall provide community referrals and resources to employees in order to assist employees with their concerns or experiences regarding violence.

7. Reporting Violation of Policy

A person who wishes to report a violation of this policy should also contact the GCO-FPO Administrator. GCO-FPO will not subject employees who report violence or report a violation of this policy to work-related or personal retaliation, as described in Section 5(B). Any allegations of violations of this policy will be immediately investigated in accordance with the timeline and procedure outlined in Section 5(C).

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POLICY VERSION CONTROL							
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